

AGENDA
CITY OF BROOKINGS
Common Council Meeting
Brookings City Hall, Council Chamber
898 Elk Drive, Brookings, Oregon
Monday, August 28th, 7:00 p.m.

Beginning at 6:30PM, before the regularly scheduled Common Council meeting, the Council will meet for an **Executive Session** under the authority of **ORS 192.660(2)(f)** to consider information or records that are exempt by law from public inspection. **The Common Council meeting will begin at 7:00 p.m.** A meeting of the **Urban Renewal Agency** will follow immediately after the Common Council meeting.

I. Call to Order

II. Pledge of Allegiance

III. Roll Call

IV. Ceremonies/Appointments/Announcements

A. Ceremonies

1. Employee anniversary - 15 years: John Cowan [pg. 5]
2. Employee anniversary - 25 years: Bob Schaefer [pg. 7]

V. Public Hearings

A. An appeal of the Planning Commission's approval of File No. APPC-2-06, an appeal of the Site Plan Committee decision regarding required yard setbacks and height for a water tank; located at the *Pacific Terrace Subdivision* at Marina Heights Loop and Marina Heights Road in the SR-20 (Suburban Residential, 20,000 sq. ft. minimum lot size) zone; Assessor's Map No. 40-13-32CC, Tax Lot 1501; Gary and Meta Kent, Harry and Sherry Gallaty, Michael and Ellen Winger, and Eric and Mollie Eastaff; appellants. Criteria used to decide this case can be found in Sections 156-Appeal to the City Council, 80.050-Action of the Site Plan Committee, and 80.060-Appeals, of the Brookings Municipal Code. [pg. 9]

B. An appeal of the Planning Commission's approval of File No. CUP-7-06, a request for a Conditional Use Permit for a dwelling group on a .82 acre parcel, located at 19 Tanbark Road; Assessor's Map 41-13-08BB, Tax Lot 2000; R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size) zone; Tom Appleby, appellant; and representative for "Friends of Tanbark Point", File No. APP-3-06. Criteria used to decide this case can be found in Sections 20.110-Dwelling groups, 136-Conditional Use Permits, 100-Hazardous Building Site, and 156-Appeal to the City Council, of the Brookings Municipal Code. [pg. 141]

- VI. **Oral Requests and Communications from the Audience**
 - A. **Committee and Liaison reports**
 - 1. **Chamber of Commerce**
 - 2. **Council Liaisons**
 - B. **Public Comment** – limited to a maximum of 5 minutes per person
A **public comment card**, located near the southern council door, **must be completed and turned into the Administrative Assistant** prior to the beginning of the meeting or prior to approaching the podium to speak.
- VII. **Consent Calendar**
 - A. **Approval of Council Meeting Minutes**
 - 1. Meeting of August 14, 2006 [pg. 221]
- VIII. **Remarks from Mayor and Councilors**
 - A. **Council**
 - B. **Mayor**
- IV. **Adjournment**

**URBAN RENEWAL AGENCY
Regular Meeting**

— **Immediately following the City Council Meeting**

- I. **Call to Order**
- II. **Roll Call**
- III. **Minutes of:** August 14, 2006 [pg. 225]
- IV. **Regular Agenda** –
 - A. Discussion and consideration for funding approval of Facade Improvement Program application submitted by Gary and Karen Kerr for Azalea Lanes, located at 410 Oak Street. (*Dale Shaddox, City Manager*) [pg. 227]
- V. **Adjournment**

EVENTS

August 2006

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
	August 1	2	3	4	5
	8:30am CC-Investigator/Patrol Information Sharing Meeting-Barbara Palic 7:00pm CC-Planning Commssn	10:00am CC- Site Plan Com 11:00am ODOT Chetco Avenue 1:30pm CC-Land 6:00pm CC - BHEF More Items...	9:00am CC-Crm Stoppers 3:00pm CC SafetyComMtg Kathy Dunn	8:30am CC - Cove Project	
7	8	9	10	11	12
9:30am CC- VIPs/Volunteers in Police Service/Marvin Parker 7:00pm FH-FireTng/ChShrp (Fire Hall)	10:00am CC-Brookings Rural Fire District-Michael Zoretich -412-1456	10:00am CC- Site Plan Com Mtg/LauraLee Gray 1:30pm CC Land Development Code committee	3:00pm CC Urban Renewal Advisory Committee		10:00am CC - Safety City 4:00pm 2nd Saturday Art
14	15	16	17	18	19
7:00pm FH-FireTng/ChShrp (Fire Hall) 7:00pm CC-Council Mtg	8:30am CC-Investigator/Patrol Information Sharing Meeting-Barbara Palic 7:00pm CC Planning Commission meeting	10:00am CC- Site Plan Com Mtg/LauraLee Gray 1:30pm CC Land Development Code 7:00pm CC -Traffic Safety	10:00am CC - CARS meeting 1:00pm CC- Municipal Court 2:00pm CC - Citizens for Emergency Prep 6:00pm CC - BHEF		8:00am CC - Fire Codes Class
21	22	23	24	25	26
9:30am CC-VIPS/Volunteers in Police Service-BPalicki 7:00pm FH-FireTng/ChShrp (Fire Hall)		10:00am CC- Site Plan Com Mtg/LauraLee Gray 1:30pm CC Land Development Code committee	9:00am CC - Pre-app for Lucky Lane 10:00am CM - Bill Sharp- general 7:00pm CC-Parks & Rec		CC Traffic School with Marvin 225
28	29	30	31		27
7:00pm FH-FireTng/ChShrp (Fire Hall) 7:00pm CC-Council Mtg		10:00am CC- Site Plan Com Mtg/LauraLee Gray 1:30pm CC Land Development Code committee	10:00am CC - CARS Mtg		

CC - Council Chambers
 FH = Fire Hall
 CM = City Manager's Office
 AZ = Azalea Park
 BC = Bud Cross
 SP = Stout Park

8/18/2006 9:14 AM

PARKS

August 2006

August 2006							September 2006						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
6	7	8	9	10	11	12	3	4	5	6	7	8	9
13	14	15	16	17	18	19	10	11	12	13	14	15	16
20	21	22	23	24	25	26	17	18	19	20	21	22	23
27	28	29	30	31			24	25	26	27	28	29	30

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
	August 1	2	3	4	5
	AZ - Extreme Tour concert				6
					12:00pm AZ - AMF Cheeseburgers
7	8	9	10	11	12
					10:00am SP - Art in the Park
					13
					11:30am AZ - AMF Here & Then
14	15	16	17	18	19
					20
					21
21	22	23	24	25	26
			7:00pm CC - Parks & Rec Mtg. (Council Ch		
					27
					12:00pm AZ - AMF Feruson Brothers
28	29	30	31		

CC - Council Chambers
 FH = Fire Hall
 CM = City Manager's Office
 AZ = Azalea Park
 BC = Bud Cross
 SP = Stout Park

8/18/2006 9:15 AM

CERTIFICATE OF APPRECIATION

Awarded to

John Cowan

For Fifteen Years of Dedicated Service to the
Citizens of the City of Brookings.



Pat Sherman
Mayor Pat Sherman

Dale Shaddox
City Manager, Dale Shaddox

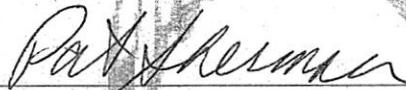
Honored this 28th day of August, 2006


CERTIFICATE OF APPRECIATION

Awarded to

Robert Schaefer

For Twenty-Five Years of Dedicated Service to the
Citizens of the City of Brookings.


Mayor Pat Sherman


City Manager, Dale Shaddox



Honored this 28th day of August, 2006



COUNCIL AGENDA REPORT

To: Mayor & City Council

From: Dianne Snow, Planning Director

Date: August 11, 2006

Re: Appeal by Michael and Ellen Winger, Gary and Meta Kent, Harold and Sherry Gallaty, and Eric and Mollie Eastaff of Planning Commission
Decision of APPC-2-06, Bruce Bros. LLC – siting of a water tank at Pacific Terrace PUD

Recommendation: Overturn the decision of the Planning Commission and dismiss the original appeal to the Planning Commission as not timely perfected.

Background: This appeal involves Pacific Terrace PUD, file PUD-1-04/ MC-1, and specifically the siting of a water tank.

- A letter was sent to Bruce Brothers dated May 2, 2006 by Donald Wilcox, Public Works Director, stating the water tank does not meet setback and height requirements. This is considered an administrative decision.
- A letter from John Babin, attorney for the Bruce Brothers, dated May 19, 2006 and marked "hand delivery" is an application to appeal the May 2, 2006 administrative decision.
- Mr. Babin's May 19, 2006 letter references Section 160, Appeal to Planning Commission. Section 160.020, Appeal Procedure, allows a person to file an appeal within 15 days after the decision is made.
- The request to appeal was submitted 17 days after the decision date.

Conclusion: The May 19, 2006 letter was not received in a timely manner and is therefore not a valid appeal.

Discussion: Should the City Council choose to proceed with a hearing despite the foregoing information, there are two issues to consider. These are the required setbacks from property lines and the maximum height allowed in the R-2 Zone.

Setbacks:

- Although the subject property is zoned SR-20, Pacific Terrace PUD was granted a Minor Change which authorized the R-2 setbacks for the water tank lot.

- Section 160.010, gives the Planning Commission authority to **interpret the meaning and intent of the code in cases where there is ambiguity.**
- The setbacks in the R-2 Zone are 20 feet from the front property line and a minimum of 5 feet from side and rear property lines with an increase of 6" for every foot the structure exceeds 15' in height.
- The plot plan shows the tank is located only 7'3" from the front property line and 9' from the rear property line.
- In applications PUD-1-04 and MC-1 none of the materials, narrative, or drawings requested a variation to the R-2 setback requirements for the water tank site.

Conclusion: There is no ambiguity. The tank does not meet the setback requirements.

Height:

- The maximum height in the SR-20 Zone is 30 feet.
- The tank is 34 feet in height.
- Mr. Babin incorrectly cites Section 132.030B which provides for tanks up to 1 ½ times the allowed height, but **only** if the tank is at least 50 feet from property lines.
- The tank site does not meet this requirement.
- In application PUD-1-04 and MC-1, the materials, narratives, or drawings do not indicate that the height of the tank would be greater than 30 feet and request a variation.

Conclusion: There is no ambiguity. The tank does not meet the height requirement in the SR-20 zone.

Discussion:

When staff accepted the May 19, 2006 letter requesting to appeal the administrative decision made on May 2, 2006 it was not noted that the 15 day appeal period had lapsed. In addition it was not determined that the issues named in the appeal did not need an interpretation of the meaning and intent of the Code, which is the authority granted the Planning Commission upon appeal of an administrative decision. Rather the height and setback requirements involve applying very plainly stated development standards.

Conclusion:

- The appeal was not timely and therefore is not valid.
- Both issues raised in the appeal, height and setback requirements, are development standards that require no interpretation of meaning or intent of the Code.
- The appeal is not appropriate

Attached you will find:

- A memo from James Spickerman, the attorney the City has hired under contract to assist in Land Use matters.
- Materials submitted by the Appellant.
- Planning Commission staff report.
- All materials submitted relating to this matter.

Financial Impact(s): None.

City Manager Review and Approval for placement on Council Agenda:



Dale Shaddox, City Manager

MEMORANDUM

DATE: August 9, 2006
TO: Mayor and City Council
City of Brookings
FROM: James W. Spickerman
RE: Appeal of Planning Commission Decision of
APPC-2-06, Bruce Bros. LLC

Subject:

Appeal of administrative decision of Public Works Director.

Background/Discussion:

This appeal is before the Council following the decision of the Planning Commission to uphold an appeal by the applicant of the Public Works Director's decision that a water reservoir on the applicant's site was not in compliance with zoning requirements.

The Public Works Director decision at issue was rendered by letter of May 2, 2006. The applicant's representative submitted an appeal of that decision to the Planning Commission by means of a Land Use Permit Application form and accompanying letter entitled "Notice of Appeal," both dated May 19, 2006. The Notice of Appeal states, in part:

"... we are giving the City of Brookings a notice of intent to appeal from his [the Public Works Director's] administrative decision under Section 160 of the Brookings Land Development Code."

Section 160.010 of the Brookings Land Development Code (BDC) states:

"In the event of ambiguity of this code affecting enforcement thereof, the Planning Commission shall have the power to hear and decide appeals from administrative interpretations ... and to declare the meaning and intent and interpret the provisions of this code."

Gleaves
Swearingen
Potter &
Scott LLP



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Malcolm H. Scott
James W. Spickerman
Kate A. Thompson
Jane M. Yates

*Also admitted
in Washington

BDC Section 160.020 states the "Appeal Procedure," provides:

"Any applicant or any other interested party may, within 15 days after the decision of the Site Plan Committee or administrative staff, file an appeal with the City Manager or his designee, pursuant to procedures set forth in Sections 156.010, 156.020, 156.030 and 156.050."

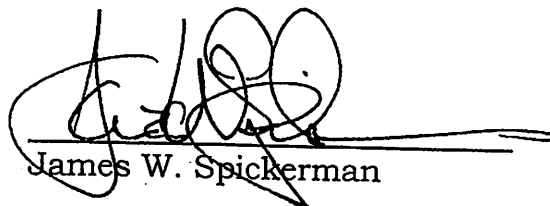
As does the above specific provision of BDC Section 160.020, BDC Section 156.010 concerning appeals also references a 15-day appeal period.

The original appeal by the applicant to the Planning Commission was clearly not filed within the 15-day period. Apparently, the fact was not noticed at the Planning Commission level but the Brookings Land Development Code makes no provision for waiver of such an appeal deadline. The City Council should overturn the decision of the Planning Commission and dismiss the original appeal to the Planning Commission as not timely perfected.

The Mayor and Council are free to discuss this issue with the staff without the requirement of public testimony or comment from the applicant, if that is the Council's choice. The Council's decision, if it is to dismiss the appeal to the Planning Commission, is not a quasi-judicial decision. See *Hick v. Marion County*, 30 Or LUBA 1 (1995).¹

I am available to address any questions the Mayor or Council might have in this regard.

Respectfully submitted,



James W. Spickerman

¹ In this particular case, an appeal was filed at 5:05 p.m. on the final day of the appeal period.



received
7-24-06

APPELLANT'S MATERIALS

Land-Use Permit Application

City of Brookings

898 Elk Drive Brookings OR 97415
(541) 469-1136 FAX (541) 469-3650

Applicants must complete the following form to the best of their knowledge. Incomplete information may cause a delay in the review and the final decision on your request. If requested information is not known to the applicant, city staff will provide such information where appropriate.

APPLICATION FOR:

- | | | |
|--|--|---|
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Final Map | <input type="checkbox"/> Planned Unit Development |
| <input type="checkbox"/> Appeal: Planning Commission | <input type="checkbox"/> Lot Line Adjustment | <input type="checkbox"/> Variance |
| <input checked="" type="checkbox"/> Appeal: City Council | <input type="checkbox"/> Minor Change | <input type="checkbox"/> Vacation |
| <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Minor Partition | <input type="checkbox"/> Sign Permit |
| <input type="checkbox"/> County Referral | <input type="checkbox"/> Major Change | <input type="checkbox"/> Pre-Application meeting |

APPLICANT/OWNER INFORMATION:

Applicant See Attached Meta A. Kent
 Mailing Address _____
 City _____ State _____ Zip _____
 Telephone No. 469-0683 Fax No. _____
 Representative n/a
 Mailing Address _____
 City _____ State _____ Zip _____
 Telephone No. _____ Fax No. _____
 Owner (If not applicant) n/a
 Mailing Address _____
 City _____ State _____ Zip _____
 Telephone No. _____ Fax No. _____

PROPERTY INFORMATION:

Location MARINA HEIGHTS LOOP - WATER TANK
 Assessor's Map No. 40-13-32 CC Tax Lot No. 1500
 Parcel Size 5328 sq. ft. Existing Zoning _____
 Comprehensive Plan Designation _____
 Existing Use _____
 Proposed Use _____
 Is water service available to the site? _____
 If no, how far to nearest city water line? _____
 Is sewer service available to the site? _____
 If no, how far to nearest city line? _____

REQUEST:

Reverse the order upholding the Appeal of the
BRUCE BROTHERS, INC. DATED 7-11-06
Removal of WATER TANK, OR placed in-ground
see attached

I hereby certify that the information provided on this application is correct to the best of my knowledge and understand that any false information may result in the rejection of the application and forfeiture of all fees submitted.

See Attached - Meta A. Kent Date 7-23-06
 Applicant's Signature _____

If applicant is not the owner of the property subject to this request please have the owner sign below or attach a letter signed by the owner authorizing to act on his/her behalf.

Property Owner's Signature _____ Date _____

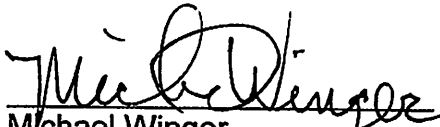

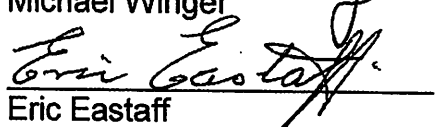
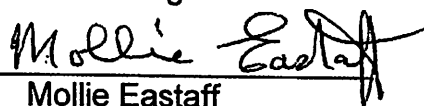
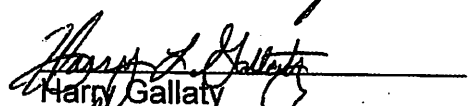



In the case of an annexation or subdivision, the complete application shall be submitted no less than 45 days prior to the date of the desired Planning Commission hearing. Failure to submit any of the applicable information listed below constitutes an incomplete application. The Site Plan/Subdivision Committee may request additional information as required to ensure compliance with this code. Submittal and acceptance of the required material will constitute clearance by the Committee. Upon clearance from the Site Plan/Subdivision Committee, the application will be scheduled for the next available Planning Commission Hearing.

File No. APP-2-06 Date Received 7-24-06 Receipt No. 1.013289 Received by cm

APPELLANT'S MATERIALS

APPLICANTS:	ADDRESSES	PHONE
Michael & Ellen Winger	97670 Marina Hts. Loop Brookings, OR 97415	469-3231
Gary & Meta Kent	97673 Marina Hts. Loop Brookings, OR 97415	469-0683
Harry & Sherry Gallaty	P.O. Box 7962 Brookings, OR 97415	469-0508
Eric & Mollie Eastaff	97679 Marina Hts. Loop Brookings, OR 97415	469-3340

APPLICANT SIGNITURES:

 Michael Winger	 Ellen Winger
 Eric Eastaff	 Mollie Eastaff
 Harry Gallaty	 Sherry Gallaty
 Gary Kent	 Meta Kent

APPELLANT'S MATERIALS

At the Planning Commission meeting for the Bruce Brothers Appeal there was a lot of time spent presenting evidence of mis-communication between the City staff and the Bruce Brothers, which I feel disguised the real issue of the water tank, which is: It does not meet side, front, back yard setbacks, and height requirements. This is an SR-20 zone with requires 20 foot front and rear yard setbacks and 10 foot side yard setback. Maximum height allowed is 30 feet. This tank does not meet any of these requirements, in fact including the cat walk it is very near 40 feet tall.

Furthermore, the City of Brookings has rejected this tank.

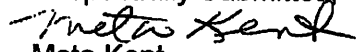
It is the developers obligation to know and follow all the rules and regulations for any given project. It is their responsibility to design the tank to fit the property involved, taking the issue of capacity into consideration. this apparently was not done on this project. This tank could have been and should have been designed to accomodate the height requirements, as well as the pressure and flow required by placing it in ground.

At the Planning Commission meeting in 2004 when the tank and the Pacific Heights project was given approval, it was stated the tank would be 15 feet tall and nicely landscaped. (video provided) At that same meeting the Final Order and Findings of Fact state in section 2 - D the proposed use will have minimal adverse impact upon adjoining properties and the improvements thereon....(see attached). I went away from the meeting understanding the tank would not become the eyesore that it is today. The attached pictures are taken from my home, yard and Marina Heights Loop Road. As you can see it is certainly a disgrace to this neighborhood.

By filing this appeal, the applicants are requesting the tank again be rejected, and that it be either moved completely to another location or placed in ground.

Thank you for your time.

Respectfully Submitted,



Meta Kent

For the Appeal Applicants

APPELLANT'S MATERIALS

BEFORE THE PLANNING COMMISSION CITY OF BROOKINGS, COUNTY OF CURRY STATE OF OREGON

In the matter of Planning Commission File No. PUD-1-04; a request for a conditional use permit and subdivision to establish a Planned Unit Development; Bruce Brothers, LLC, applicant.) Final ORDER) and Findings of) Fact))
---	--

ORDER approving an application for a Conditional Use Permit to establish a Planned Unit Development involving a subdivision to create 28 "building envelope" lots on a 13.9± acre parcel of land located adjacent to the easterly side of Old County Rd. and Marina Heights Rd.; Assessor's Maps 40-13-32CC, Tax Lot 1500 and 1700 with portions of Tax Lots 205 and 300, Assessor's Map 40-13-32C; Zoned SR-20 (Suburban Residential, 20,000 sq. ft. minimum lot size).

WHEREAS:


1. The Planning Commission duly accepted the application filed in accordance with the Brookings Land Development Code pursuant to Section 140 Conditional Use Permits and Section 116, Planned Unit Development Approval and Section 176.060, Major Partitions and Subdivisions; and

2. Such application is required to show evidence that all of the following criteria for a conditional use permit have been met:

A. The proposal is in compliance with the Comprehensive Plan.

B. The site for the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by this code.

C. The site for the proposed use relates to streets and highways adequate in width and degree of improvement to handle the quantity and kind of vehicular traffic that would be generated by the proposed use.

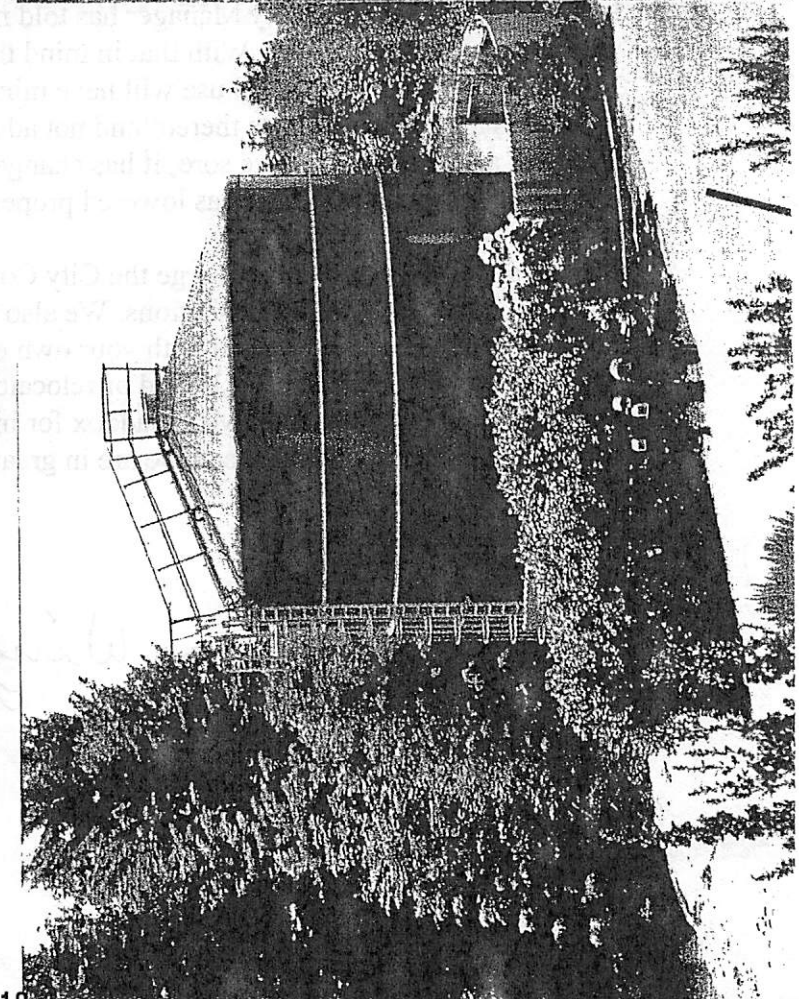
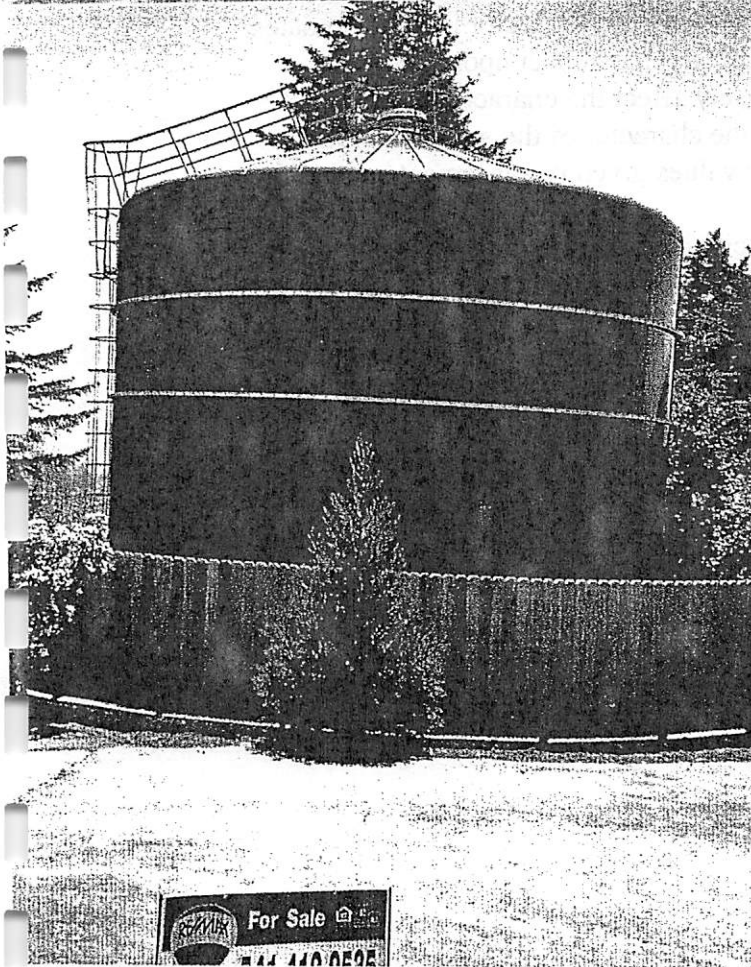
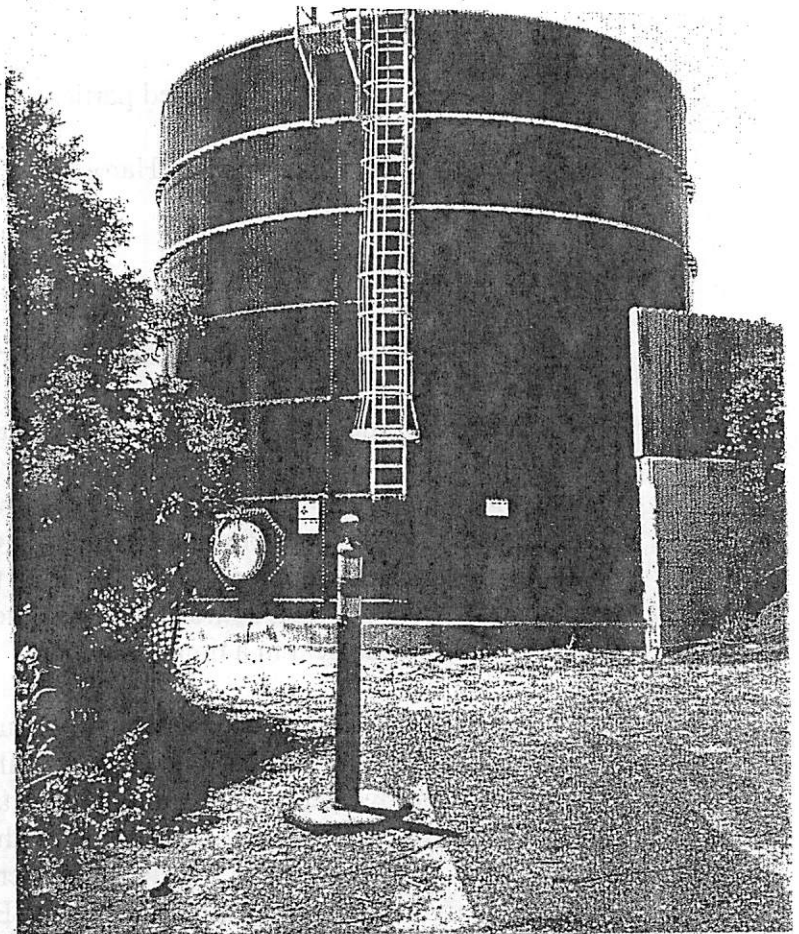
 D. The proposed use will have minimal adverse impact upon adjoining properties and the improvements thereon. In making this determination, the commission shall consider, but not be limited to, the proposed location of the improvements on the site, vehicular egress/ingress and internal circulation, pedestrian access, setbacks, height and bulk of buildings, walls and fences, landscaping, screening, exterior lighting and signing.

E. In areas designated as requiring preservation of historic, scenic or cultural attributes, proposed structures will be of a design complimentary to the surrounding area; and

3. Such application is also required to show evidence that all of the following criteria for a planned unit development have been met:

A. The applicant has, through investigation, planning and programming, demonstrated the soundness of his proposal and his ability to carry out the project as proposed, and that the construction shall begin within 12 months of the conclusion of any necessary actions by

APPELLANT'S MATERIALS



RECEIVED

AUG 17 2006

TO: The City Council and Interested parties

FROM: Michael and Ellen Winger, Harold and Sherry Gallaty, Eric and Mollie Eastaff,
Gary and Meta Kent.

CITY OF BROOKINGS

APPELANT'S MATERIALS

DATE: August 17, 2006

SUBJECT: Pacific Terrace PUD Water Tank Appeal-APPC-2-O6

All of us that appealed this case to the City Council are in agreement that the water tank on Marina Heights Loop should not stand as is. City staff, including the City Manager and the planning director is of the same mind. In her Memo dated August 11, 2006 planning director Dianne Snow and city staff have recommended the overturning of the planning commission's approval of the existing tank. Both height and set back requirements were not met; as well Bruce Brother's construction did not meet the deadline to file the appeal in a timely manner.

Before the tank was ever under construction Bruce Brother's i.e. Noah Bruce told both Mr. Kent and I that the tank would be buried only exposing thirteen to fifteen feet above ground with improvements that would hide the tank from plain view and not impair the beauty of the area. This clearly was not met with the height being well over thirty four feet not including a ladder that is at least another two or more feet above that. This was also echoed to the planning commission by the Bruce Brothers and can be found on tapes in the city archives. The City Manager has told me that he has reviewed the tapes and that was indeed what was stated. With that in mind the past planning director in a memo dated July 6, 2004 stated, "proposed use will have minimal adverse impact upon adjoining properties and improvements thereof and not adversely affect the character of the area". The tank as it stands is an eye sore; it has changed the character of the area. People have lost ocean views and the tank has lowered property values given its placement and height.

We the appellants in the matter urge the City Council and the Mayor to stand behind our appeal and city staff recommendations. We also urge all of you to take a drive up and down Marina Heights Loop and with your own eyes see what the tank means to the area. The tank will either have to be buried or relocated to a different site. We also wish to thank the new City Manager, Mr. Shaddox for his support in this matter. He has taken this on with sincere diligence and we are in great appreciation of that fact.

Respectively submitted

Michael & Ellen Winger

Michael & Ellen Winger

Harold & Sherry Gallaty

Harold & Sherry Gallaty

Eric & Mollie Eastaff

Eric & Mollie Eastaff

Gary & Meta Kent

For Gary & Meta Kent
Mollie Eastaff

CITY OF BROOKINGS PLANNING COMMISSION
STAFF AGENDA REPORT

SUBJECT: Appeal to the Planning Commission
FILE NO: APPC-2-06
HEARING DATE: June 15, 2006

REPORT DATE: June 5, 2006
ITEM NO: 8.1

GENERAL INFORMATION

APPLICANT: Bruce Brothers, LLC.

REPRESENTATIVE: John Babin.

REQUEST: An appeal of the Site Plan Committee determination that the existing water tank does not meet the setback requirements of the SR-20 Zone.

TOTAL LAND AREA: 5,328 sq. ft.

LOCATION: On the southerly side of Marina Heights Loop approximately 300 feet west of the intersection with Marina Heights Road.

ASSESSOR'S NUMBER: 40-13-32CC, Tax Lot 1501.

ZONING / COMPREHENSIVE PLAN INFORMATION

EXISTING: SR-20 (Suburban Residential, 20,000 Sq. ft. minimum lot size).

PROPOSED: Same.

SURROUNDING: SR-20 south of the city limits; County R-1 (Residential One) and R-2 (Residential Two) north of the city limits.

COMP. PLAN: Residential.

LAND USE INFORMATION

EXISTING: Water tank .

PROPOSED: Parcel will be dedicated to the city for a water tank site.

SURROUNDING: Residential uses and vacant lots on both sides of the city limits.

PUBLIC NOTICE: Mailed to all property owners within 250 feet of the subject site and advertised in the local newspaper.

BACKGROUND INFORMATION

When the Pacific Terrace Subdivision/PUD was approved, the approval included a lot that would be the site of a water tank, which, after the tank is constructed, will be dedicated to the city. The water tank is necessary to provide the water pressures and flows necessary to serve the development within the PUD. The lot to be dedicated is labeled as Tract A on the final plat map and given a Tax Lot No. 1501 and is located in the northeast corner of the project on the south side of Marina Heights Lp., approximately 300 feet west of the intersection of Marina Heights Lp. and Marina Heights Rd.

The subject property is zoned SR-20 (Suburban Residential, 20,000 sq. ft. minimum lot size.) as is the entire area south of the city limits around the site. The area above the city limits is zoned by the county as R-1 (Residential One) and R-2 (Residential Two).

The project was originally approved as a subdivision/PUD using the flexibility of the Planned Unit Development to provide for 28 building envelope lots and the lot for the water tank, under the setback requirements of the SR-20 Zone. A minor change to the approved project was approved allowing the addition of one lot, and allowing the internal building lots and those fronting on a street to be developed with the setback requirements of the R-2 (Two Family Residential) Zone, which are 20 feet for the front yard, 5 feet side and rear yards and that the side and rear yards must increase by $\frac{1}{2}$ foot for each foot of building height above 15 feet. The lots around the boundary of the property that did not front on a street remained with the setback standards of the SR-20 Zone, which are 20 feet in the front and rear and 10 feet on the side, with no increase for building height. Maximum building height in both zones is 30 feet. The lot allotted for the tank site fronts on Marina Heights Loop.

The water tank has been constructed on the subject site at this time. At this time the only approval involving the tank relates to the design and construction of the tank itself. The City Public Works Director has stated that the city has been requesting a plot plan and design plan showing the location of the tank on the site since January of 2005. A plot plan showing the location of the tank on the site was received on April 24, 2006. Design plans with an engineer's stamp have not been received at this time (See letter dated May 19, 2006 from Don Wilcox, Public Works Director). The plot plan received on April 24 indicates that the tank does not meet the front and rear yard setbacks and the height requirements of the R-2 Zone. The existing tank as it is constructed is located between Marina Heights Loop and what will be a new private street of the PUD known as Izaiha Dr. Since the tank will become a part of the city's water system and accessed from Marina Heights Lp., the front yard setback will be considered from this street. The setback from Marina Heights Lp. is only approximately 7.3 feet. The setback from the southerly or rear lot line is approximately 9 feet. The maximum structure height in the R-2 Zone is 30 feet and the tank is 34 feet in height. Chapter 17.128, Interpretations and Exceptions, of the Brookings Municipal Code does allow water tanks to reach a height of one and one half ($1\frac{1}{2}$) times the maximum structure height of the underlying zone, however, the setback must be at least 50 feet from all property lines.

After review of the plot plan received on April 24, 2006, the Site Plan Committee determined that the water tank as constructed did not meet the setback or height requirements of the R-2 Zone, and thus is nonconforming.

BASIS OF APPEAL

The applicant is appealing the Site Plan Committees decision that the tank does not meet setback or height requirements. With the application for appeal the applicant has submitted a letter from Mr. John Babin, their attorney and a packet of letters and correspondence between the city staff, the City Engineer and the applicant as the basis of the appeal to indicate that the tank on the site has had complete approval.

ANALYSIS

The following is staff's response to the materials submitted by the applicant.

Letters marked Exhibits 4 and 5. The applicant states that these letters can "certainly be interpreted as 'letters of approval' from Mr. Nored..." Exhibit 4 is a response from Richard Nored, City Engineer containing comments on many aspects of improvement plans presented for review. Comments in this letter do not indicate approval of the plans. Exhibit 5 is a clarification of the complex issues of the letter in Exhibit 4 and does not imply approval.

Exhibit 7. The only approval indicated in this exhibit is a memo from the Public Works Department to the Planning Department stating that Planning was cleared to allow recordation of the final plat map. Recordation of the final plat was allowed through the issuance of a bond for the remaining improvements on the site. This approval did not waive requirements for or otherwise approve the location of the water tank on the subject site.

Item 1 under Basis for Appeal. The applicant is correct the Subdivision/PUD project was approved by the Planning Commission and subsequently a minor change was approved by the Commission. Both of these approvals approved the *site* for the water tank. Neither approval, however, was for the construction of the tank or the location of the tank on the site. The approved plans did show a circle marked tank, however, this served the purpose of showing that a tank would be place on the site and the volume of the tank but not the physical size of the tank or where specifically where on the site it would be located. Although the approved minor change effectively placed the setbacks requirements on the tank site, the tank still does not meet the required setbacks.

Item 2 under Basis for Appeal. As mentioned earlier the City Engineering approval was specifically for the design of the tank itself.

Item 3 under Basis of Appeal. The applicant correctly quotes Section 132.030.A and B of the Land Development Code (now Chapter 17.128.A and B of the Brookings Municipal Code), however, the applicant fails to include the clause that states if the tank does exceed the maximum building height, in this case 30 feet, it must be at least 50 feet from all property lines.

Item 4 under Basis of Appeal. The applicant cites the provisions of the Section 116, Planned Unit Development, of the Land Development Code (now Chapter 17.116 of the Brookings Municipal Code) and is correct in stating that the code allows flexibility within a PUD. In this case, through the minor change, the Planning Commission did allow flexibility for the tank site by allowing the setback provisions of the R-2 Zone. Actually the approval of the minor change did not specifically address the parcel set aside for the tank site, however, the conditions of approval spelled out specifically what lot would remain with the SR-20 setback requirements and Tract A, the tank site was not included and thus is considered to fall under the R-2 Zone setbacks. The location of the tank on the site does not meet the setback requirement of the R-2 Zone and the application for the minor change did not include any specific reference or request for different setbacks for structures on Tract A.

FINDINGS

The applicant has submitted a packet of materials as findings in support of the appeal. The following are supplemental findings from staff.

1. The applicant is appealing the Site Plan Committee's determination that the water tank that has been constructed on the subject site does not meet the applicable setback and height standards.
2. The project site is a 5,382 sq. ft. parcel created as a part of a subdivision/planned unit development, specifically for a water tank necessary to provide sufficient pressure and flows to serve the development.

3. The planned unit development was approved on 13.43 acres located in the SR-20 (Suburban Residential, 20,000 sq. ft. minimum lot size) Zone.
5. The SR-20 Zone requires a 20 foot front and rear yard setbacks and 10 foot side yard setbacks with no increase related to building height. Maximum building height is 30 feet.
4. Through the flexibility of the planned unit development process, the internal lots and lots that do not front on undeveloped property in separate ownership within the SR-20 Zone were allowed to meet the setback standards for the R-2 (Two Family Residential) Zone.
5. Setback requirements of the R-2 Zone are a 20 foot front yard setback and a 5 foot side and rear yard setback; the side and rear setbacks must increase by ½ foot for each foot of building height above 15 feet. Maximum building height is 30 feet.
6. The tank, which is already constructed, is located approximately 7.3 feet from Marina Heights Loop, and approximately 9 feet from the rear property line.
7. The height of the tank as constructed is 34 feet.
8. Chapter 17.128, Interpretations and Exceptions, of the Brookings Municipal Code does allow water tanks to reach a height of one and one half (1½) times the maximum structure height of the underlying zone, however, the setback must be at least 50 feet from all property lines.

CONCLUSIONS

1. The materials submitted by the applicant do not provide evidence that the actual location of the tank on the site has ever been approved. The drawings submitted to the city since January, 2005 have shown the tank in different locations, and none meet the setback requirements of the R-2 Zone.
2. The tank was constructed without an approved plot plan showing location of the tank on the site and with a height of 34 feet which does not meet the maximum height requirement of 30 feet.
3. Exceptions may be allowed for water tanks greater than the maximum height allowed by the underlying zone through the provisions of Chapter 17.128 of the Brookings Municipal Code, however, if these provisions are applied, the setbacks must be at least 50 feet from all property lines.

RECOMMENDATION

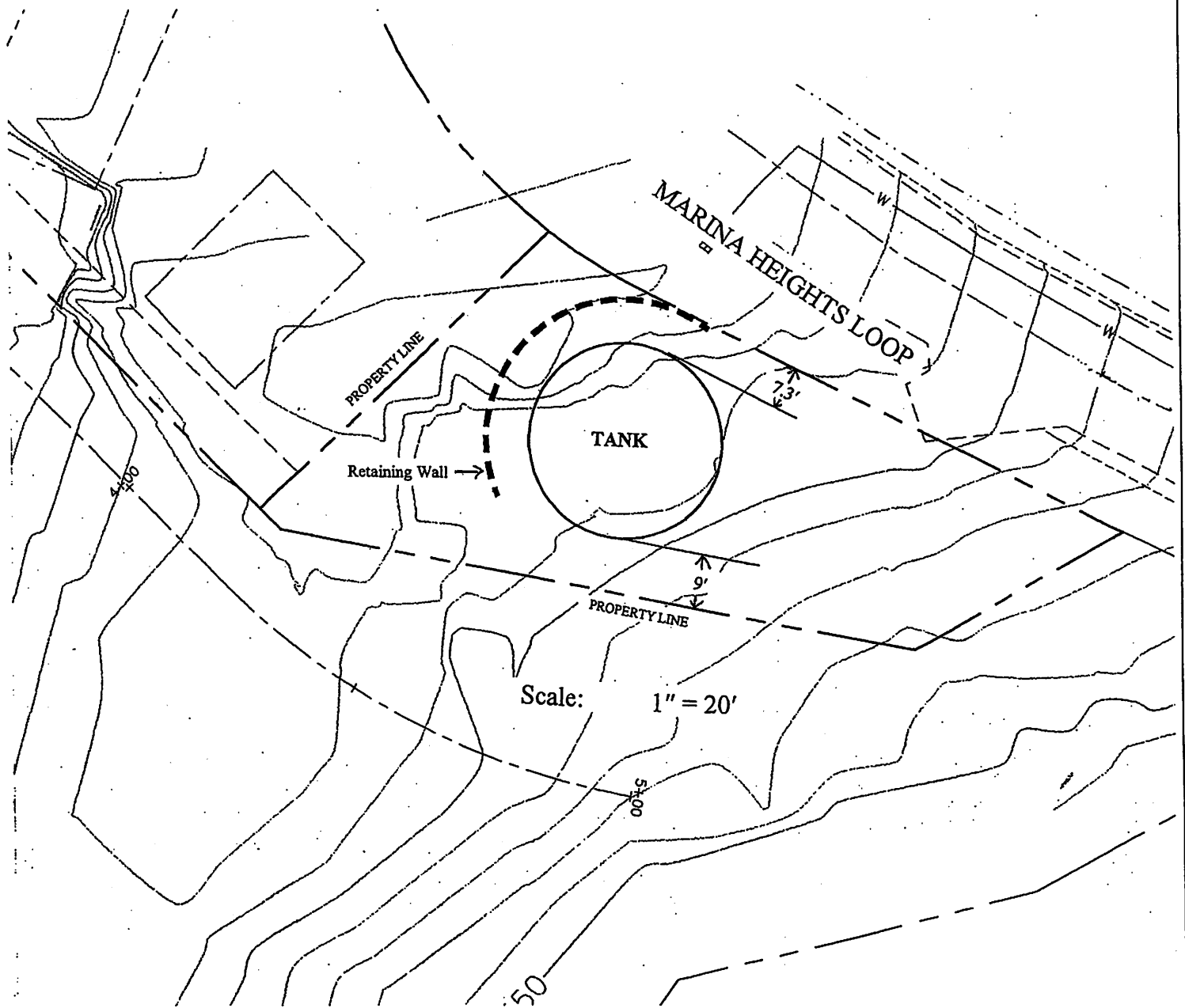
Staff recommends **DENIAL** of Case File No. APPC-2-06.



Size: 13.9± acres

Zone: SR-20 (Suburban-Residential)





Applicant: Bruce Brothers

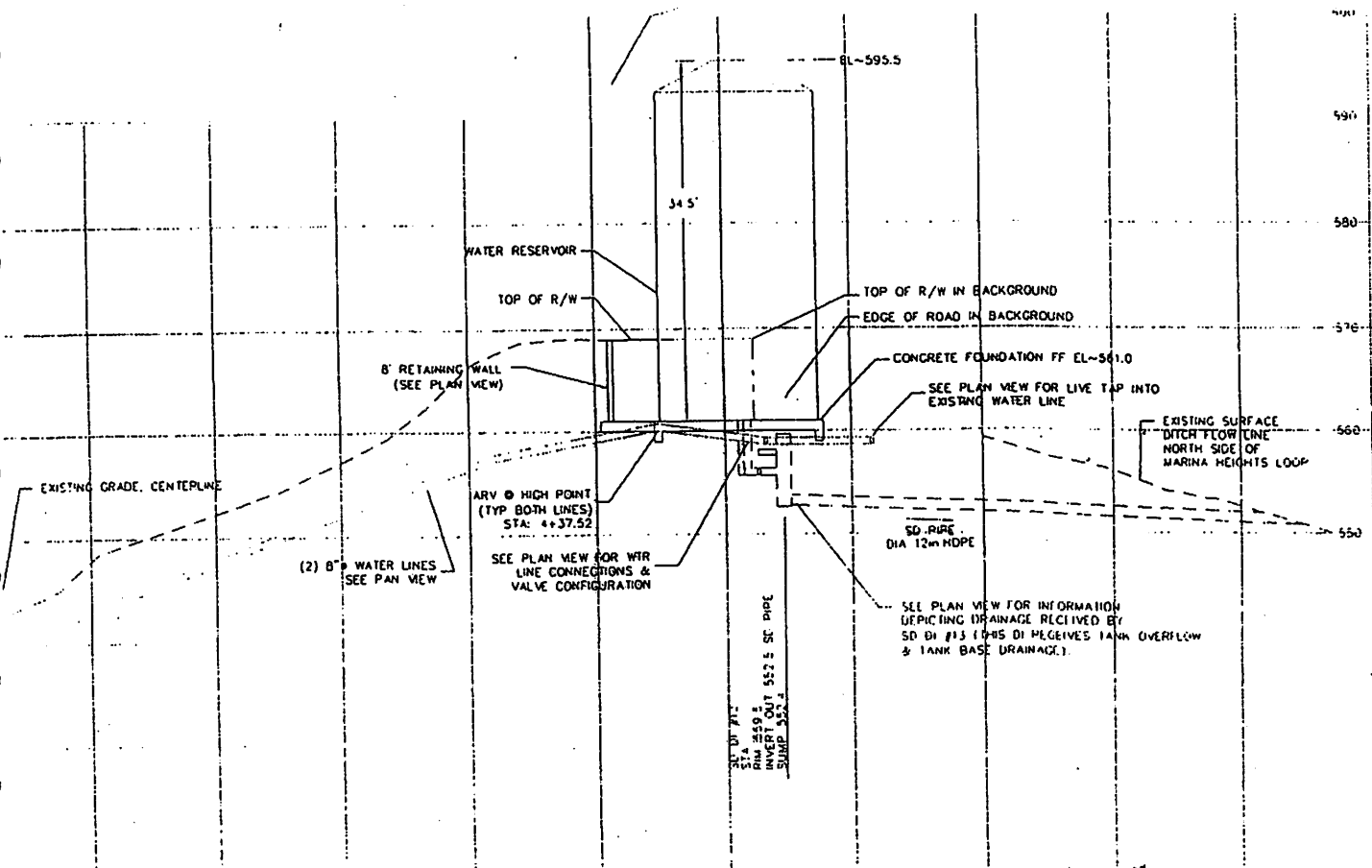
Assessor's Map: 40-13-32 CC Tax Lot 1500

Size: 13.9± acres

Location: Marina Heights Road-Pacific Terrace

Zone: SR-20 (Suburban-Residential)





Applicant: **Bruce Brothers**

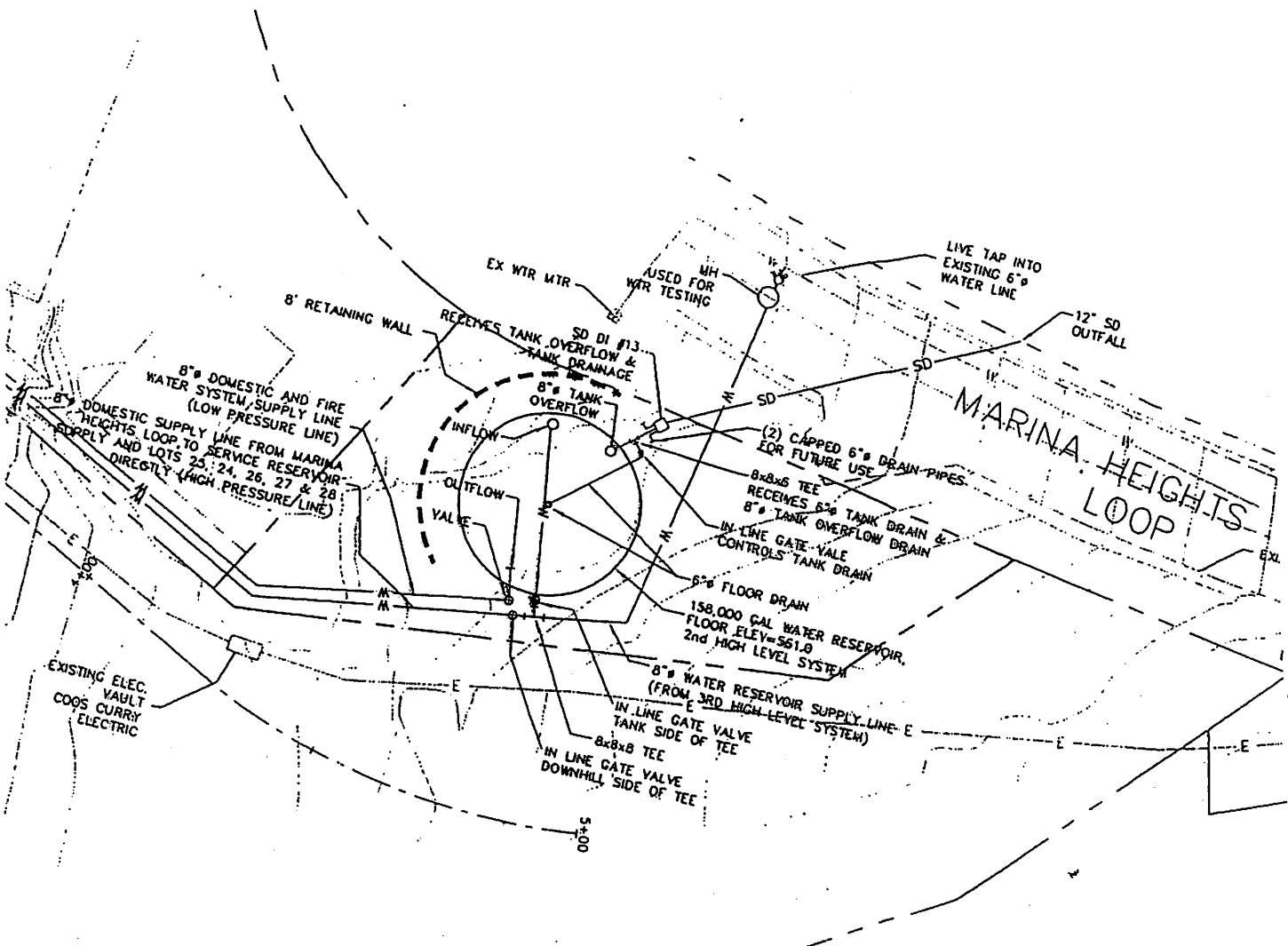
Assessor's Map: **40-13-32 CC Tax Lot 1500**

Size: **13.9± acres**

Location: **Marina Heights Road-Pacific Terrace**

Zone: **SR-20 (Suburban-Residential)**





Applicant: Bruce Brothers

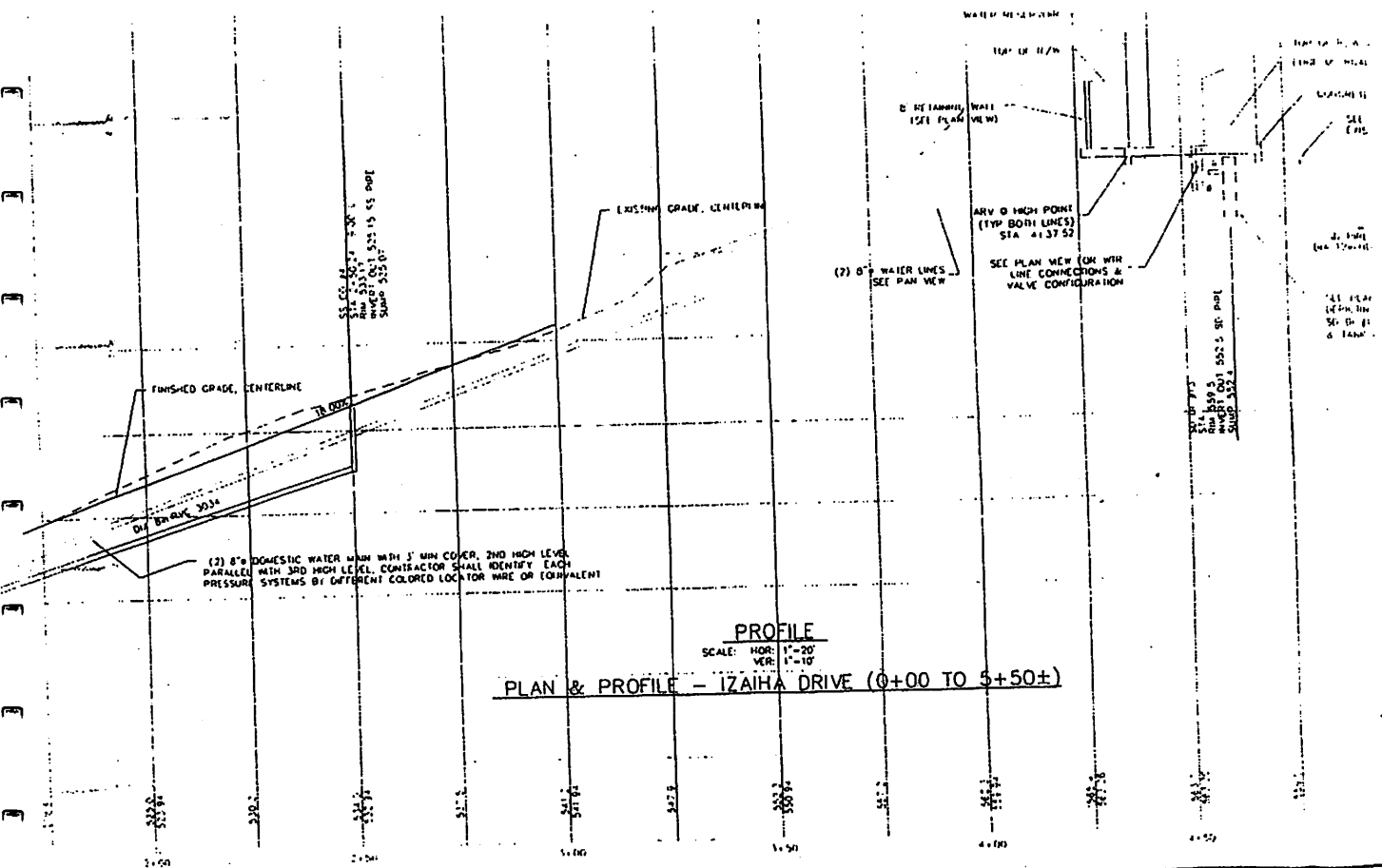
Assessor's Map: 40-13-32 CC Tax Lot 1500

Size: 13.9± acres

Location: Marina Heights Road-Pacific Terrace

Zone: SR-20 (Suburban-Residential)





Applicant: **Bruce Brothers**

Assessor's Map: 40-13-32 CC Tax Lot 1500

Size: 13.9± acres

Location: Marina Heights Road-Pacific Terrace

Zone: SR-20 (Suburban-Residential)



BABIN & KEUSINK

PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

P.O. BOX 1600 • 517 CHETCO AVE
BROOKINGS, OREGON 97415-0600

CHRISTOPHER KEUSINK

JOHN C. BABIN*

*ALSO LICENSED IN CALIFORNIA

(541) 469-5331 • FAX (541) 469-9865

May 19, 2006

hand delivery

John Bischoff
City Planner
City of Brookings
898 Elk Drive
Brookings, OR 97415

RE: **NOTICE OF APPEAL**
Pacific Terrace PUD
File No. PUD-1-04

Dear Mr. Bischoff;

I have received a fax (Exhibit 1) from Mr. Wilcox indicating his inability to respond to my letter of May 10, 2006 (Exhibit 2) which was hand delivered to the City of Brookings. Unfortunately, he states he did not receive the letter until May 15, 2006, even though it was hand delivered to City offices on May 10, 2006. Regrettably, the Bruce Brothers are unable to wait additional time for an explanation of the criterion for his decision and by this letter we are giving the City of Brookings a notice of intent to appeal from his administrative decision under Section 160 of the Brookings Land Development Code. A filing fee of \$75. is enclosed.

BACKGROUND

As you may be aware, the plans and product menu for the AquaStore water reservoir were submitted to the City and stamped received by Diane Snow on January 19, 2005 (Exhibit 3). Letters which can certainly be interpreted as "letters of approval" from Mr. Nored were received on January 6, 2005 (Exhibit 4) and January 20, 2005 (Exhibit 5). Footings for the foundation were constructed after City approval on February 6, 2006. Installation of the acquastore tank was begun on February 13, 2006 after inspection and approval by the City Building Department. After further submissions and approvals (Exhibit 6) construction was completed after further inspections and approvals by city staff on February 23, 2006 (Exhibit 7). At that meeting City staff offered no specific deficiency of the water reservoir. Representatives of the Bruce Brothers, including the undersigned, met with members of the city staff at City Hall on April 18, 2006 to discuss issues raised by the city staff with regard to the water reservoir. Failures to approve and delays by City staff concerning the water reservoir and other aspects of this development have placed the financial viability of this project in

serious jeopardy. This summary includes only a partial history of the events. Even to date there has been no response and the Bruce Brothers can not wait any longer for response to my letter dated May 10, 2006 and must appeal the administrative decision immediately.

BASIS FOR APPEAL

1. Planning Commission Has Twice Previously Approved Site for Water Reservoir

When the Planning Commission approved the original PUD, on August 2, 2004 condition No. 41 specifically provided "a water tank should be constructed in the location shown on the preliminary plat map and connected to the city's water system. If the engineers determine that a different site is more appropriate, then a tank shall be constructed in that location".

In July 2005 the applicant applied to the Planning Commission for a minor change to the previously approved plan unit development. The application for the minor change was approved in August, 2005 the Planning Commission again approved the location of the water reservoir, this time based on the re-design Izaiha Drive. The site plan specifically showed the new location of Izaiha Drive, the new configuration of lot 29, and the placement of the water tank on the portion of lot 29 dedicated to public utilities was specifically shown on the site plan (Exhibit 8). The Planning Department had this detailed plan on July 11, 2005 (Exhibit 8). The findings adopted by the Planning Commission after its meeting on August 2nd specifically found "site for the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by this code (Exhibit 9). Eight of the findings also modified setbacks for lots within the PUD, specifically for lot 29 and the lot for the water tower.

In fact, the conclusions specifically stated that the new internal street layout, which included the new design for lot 29 and the placement of the water tower" is a much better design than the originally approved system in that it provides two full access points to the project rather than one full access and one emergency access".

From these facts it is clear that the planning department and the planning commission approved the specific location for the water reservoir on the applicable lot on at least two separate occasions.

2. Water Storage Tank is Correctly Designed

The water storage tank, as it sits on its current location, is currently designed to meet minimum sufficient storage requirements to satisfy domestic and fire flow requirements for this development. The data providing the basis for the storage and flow requirements was presented to the City on earlier (Exhibit _____ to be sent).

NOTICE OF APPEAL

John Bischoff
City Planner
May 19, 2006
Page 3

Mr. Nored's letter dated January 6, 2005, (Exhibit 4) from paragraph No. 11 acknowledged "project owners are currently finalizing their choices for the proposed water reservoir. Details will be provided under a separate cover." (See paragraph No. 11).

In Mr. Nored's letter dated January 20, 2005 (Exhibit 5) Mr. Nored acknowledged "we have worked with the design engineer on the separation of the two pressure bands (on the water tank), the pressures that are available to serve all lots in the proposed subdivisions". The letter further stated **"the system as proposed will function and meet City standards, and will serve the property well"**. (emphasis supplied).

Based upon these and other comments by the City and its staff, the applicant finalized plans for the water reservoir, and began installation in February 2006. It has been inspected by Dennis Barlow of HGE chronicle inspections on February 6, 15, 21, 2006. These inspections approval of the construction and installation at every step of the way.

For the Public Works Director to issue a letter dated May 2, 2006 requesting revised engineer plans for water storage reservoir appears to be absolutely incredible and inconsistent with the City Planning Department, Planning Commission, and the City Engineer.

3. Height Regulations

BLDC, section 132, provides exceptions to height regulations elsewhere in the land development code for water towers and tanks and other structures. Section 132.030 is clearly intended as a general and comprehensive exception to height regulations of all zones, see for instance BLDC 40.050E.

Section 132.030A provides for unlimited heights of water towers and tanks if they can meet certain conditions. If they cannot meet those conditions, Section 132.030B provides that height limitation of water towers and tanks shall be 1 ½ times the height limitations set forth in the applicable zoning district. Since height limitations in the SR zone is 30 feet, the applicable height limitations of this water tank is 45 feet. Even after repeated requests, the Public Works Director has failed to show that the water reservoir does not meet height requirements.

4. PUD Standards of Approval

Section 116 of the BLDC is applicable to this development since it was approved by the Planning Commission as a Planned Unit Development as File No. PUD-1-04. The purpose of section 116 is stated as follows:

"The purpose of planned unit development is to allow and to make possible greater variety and diversification in the relationship between buildings and open spaces in planned building groups, while insuring

NOTICE OF APPEAL

John Bischoff
City Planner
May 19, 2006
Page 4

compliance with the purposes and objectives of the various zoning district regulations and the intent and purpose of these land development sections”.

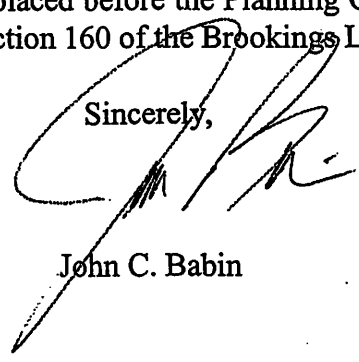
Section 116.080 provides:

“The planning Commission may authorize standards of site area and dimensions, site coverage, yard spaces, height of structures, distances between structures equivalent to the standards prescribed within the regulation for the district which the planned unit development is located.”

Unfortunately, the Public Works Director was not able to provide requested specifications citations to the BLDC which the water reservoir is alleged to have violated, but demanded instead complete reconstruction of the tank already in place. Reconstruction of the water tank seems to be a drastic remedy to be requested by the City, especially in light of the fact that the water tank that is now in place was constructed only after close consultation with city staff approval that has been document in letters from the City Engineer. There are numerous other documents in the file that showed that the City did approve the current design for the water tank and it has already been shown that the Planning Commission approved of its placement. Given this history, the Planning Commission should honor the flexibility of the planned unit development as provided in Section 116. The Planning Commission should authorize any flexibility that is required to allow the water tank to be approved as constructed.

Request is made that this matter be placed before the Planning Commission at its next available meeting for an appeal pursuant to Section 160 of the Brookings Land Development Code.

Sincerely,



John C. Babin

JCB:llh

c: client

NOTICE OF APPEAL



City of Brookings Public Works Department

898 Elk Drive
Brookings, OR 97415
Phone: 541.469.1151
Fax: 541.469.3650

Fax Cover

To: John C. Babin	From: Don Wilcox, PE ² , DEE <i>(Dtw)</i> dwilcox@brookings.or.us
Co: Babin & Keusink	# of pages: (Including cover sheet): 1
FAX: 541.469.9865	Date: Monday, May 15, 2006

☐ CONFIDENTIAL ☐ FYI ☐ Please Comment ☐ Please Reply ☐ Please Call

RE: Letter dated May 10, 2006 concerning Pacific Terrace

I am in receipt of the above referenced letter. I received it today, May 15, 2006. Your 48 hour response time from the date of delivery request is not sufficient for staff to review and respond given that the deadline you requested would be on a Sunday, however every effort will be made to respond in full forth-with given the importance of timeliness of these matters to your client. I did verbally discuss and give further details concerning my letter dated May 2, 2006 to Mr. Bruce on Thursday, May 9, 2006.

CITY OF BROOKINGS



May 2, 2006

Richard Wise
Bruce Bros. Inc.
PO Box 61
Brookings, OR 97415

Re: Pacific Terrace

Dear Mr. Wise:

We have received on April 24, 2006 and performed a preliminary review of sheet 9 of 32 of the plans titled PACIFIC TERRACE P.U.D. ON-SITE IMPROVEMENTS – AS BUILT prepared by T.J. Bossard, Inc. dated 3/6/06 and sealed but not signed by the Engineer.

Based on the information provided in the above referenced submittal, the water reservoir is not in compliance with the Zoning requirements outlined below:

ZONING REQUIREMENTS FOR THE WATER TANK AT PACIFIC TERRACE

- The property is located in the SR-20 (Suburban Residential, 20,000 sq. ft. minimum lot size zone).
- The SR zone requires a 20 foot front and rear yard setback and a 10 foot side yard set back.
- The setbacks do not change with building height.
- Maximum building height in the SR zone is 30 feet.
- This applies to all structures.
- Under the provision of Section 132.030 Exceptions to building height, of the Land Development Code, a water tank can be up to 45 feet high but requires a 50 foot setback on all sides at any height above 30 feet.

Please submit revised Engineered plans for a water storage reservoir that can be constructed in compliance with Zoning Requirements and provide sufficient storage required to meet minimum domestic and fire flow requirements for this development.

Sincerely,

Donald Wilcox, PE
Public Works Director

~~Attachments~~

c: John Babin, Dale Shaddox, Bill Sharp, John Bischoff, file

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Brookings, OR 97415
www.brookings.or.us

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CHRISTOPHER KEUSINK

JOHN C. BABIN*

*ALSO LICENSED IN CALIFORNIA

(541) 469-5331 • FAX (541) 469-9865

May 10, 2006

Hand Delivered

Donald Wilcox
Public Works Director
City of Brookings
898 Elk Drive
Brookings, OR 97415

RE: Pacific Terrace

Dear Mr. Wilcox;

Your letter specifies the zoning requirements for the water tank and concludes that the "water reservoir is not in compliance with the Zoning requirements." Your letter does not specify in what respects the water tank is not in compliance with the requirements that you specify. Please specify the manner in which the water tank does not comply with the Zoning requirements. For instance, what height did you determine the water tank to be? Does the height of the water tank violate the maximum building height in the SR zone? Does the water tank violate any setback requirements? If it does violate setback requirements please specify in detail which setback requirement is violated. Until you specify the basis of your decision, the applicant cannot determine whether your decision can or should be appealed pursuant to section 160 of the Brookings Development Code.

Reconstruction of the water tank seems to be a drastic remedy to be requested by the City, especially in light of the fact that the water tank that is in place now was constructed only after close consultation with City staff. There are numerous documents in the file that the City did approve of the current structure for the water tank. Given this history, the applicant is surprised that the City is not proposing an amendment to the conditions of approval to accommodate the existing structure.

Has the City in fact considered an amendment of the conditions of approval? You should be aware that the Land Development Code provides for relaxed standards for a planned unit development, which this subdivision is. Specifically, Section 116.030C provides that the requirement standards, and criteria of the underlying zone classifications shall be used as a guide in determining the proposal's compliance with the purposes and the intent of the land development code. Has the City staff considered such an amendment to the conditions of approval? The applicant is certainly entitled to an explanation of this consideration by the City.

Mr. Donald Wilcox
Re: Pacific Terrace
May 10, 2006
page 2

Finally, you have requested revised engineered plans for the water storage reservoir. You have requested that the revised plans show that the reservoir can be constructed in accordance with zoning requirements that provide sufficient storage required to meet minimum domestic and fire flow requirements. You have provided reference to the zoning requirements in your letter. However, you have not specified the storage requirements to meet minimum domestic and fire flow requirements. Please specify these flow requirements.

This letter is being hand delivered to the City of Brookings offices. Please provide a response to this letter within 48 hours of delivery. If you cannot provide a response within that time, please contact the undersigned immediately.

Sincerely,



John C. Babin

pc: client

Dale Shaddox, by hand delivery
John Trew

T. J. BOSSARD, INC.
CIVIL & STRUCTURAL ENGINEERING

FACSIMILE TRANSMITTAL SHEET

TO: Richard Nored 541-269-1833	FROM: Doug Burroughs
	DATE: 1/18/2005
	TOTAL NO. OF PAGES INCLUDING COVER: 8
PHONE NUMBER:	SENDER'S REFERENCE NUMBER: 04-037
RE: Bruce Bros. - Pacific Terrace Project	YOUR REFERENCE NUMBER:

☐ URGENT ☒ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

Richard,

Here is some general information and details for the proposed water reservoir for Pacific Terrace PUD. Please review and let us know if this reservoir is acceptable. If it is, then specific details will be drafted and submitted to you under a separate cover for actual construction approval.

Thank you.

Doug Burroughs

received
1/19/05 D. Snow

Water TANK - PACIFIC TERRACE

T. J. BOSSARD, INC.
CIVIL & STRUCTURAL ENGINEERING

FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
Noah, Richard & Andy	Doug Burroughs
541-469-9230	DATE:
	1/18/2005
	TOTAL NO. OF PAGES INCLUDING COVER:
	9
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
	04-037
RE:	YOUR REFERENCE NUMBER:
Bruce Bros. -	
Pacific Terrace Project	

☐ URGENT ☒ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

Here is some general information and details for the proposed water reservoir for Pacific Terrace PUD. I have sent this info to Richard Nored for his approval of the reservoir in general. Once we have is approval on the reservoir you will need to get a contract in place with Aqua Store for the final design, details and construction of the reservoir.

I have included the original cover I sent to Nored for your reference.

Thank you.

Doug Burroughs

AQUASTORE® WATER RESERVOIR TANK QUOTE

Thank you for your request for quotation. This quotation is good for 60 days from October 13, 2004. Aquastore NW, Inc. is pleased to offer the following Aquastore® tank for the Brookings SD project.

Model Number	Quantity	Size / Volume	Type	Product Stored
3128sswt	1	31x28 = 158,000 gal	Glass fused to steel bolted tank	Water

Notes:

- 1 This quotation is based on information supplied by the engineer. Site Parameters may affect costs.
- 2 As a producing member of AWWA D-103 with three in-house professional engineers on design review committees, Engineered Storage Products Company will guarantee the design, fabrication and erection of the Aquastore tank as described in the following quotation.

A. Geometry/Description

Model 31 x 28 Aquastore® glass fused to steel bolted tank, concrete floor.
 30.77 ft diameter width
 28.43 ft diameter height
 158,000 gallons capacity with 0" freeboard
 31" Glass Fused Knuckle Clear span Roof

B. Design Criteria

AWWA D103-97 allowables
 Seismic design IBC 2000 foundation design for zip code 57415
 Wind 100 mph per AWWA D103
 Wind stiffener analysis AWWA D103
 Snow load pounds per square foot - 25'
 Soil bearing capacity loading of 2500 psf
 Less than 3" Frost depth

28x33

25x42

If this schedule is not satisfactory, every effort will be made to meet your requirements. Aquastore NW is not responsible for delays due to poor weather conditions, delays due to factory or shipping issues, local building permit delays or any other type of delays out of the immediate control of Aquastore NW.

H. Installation

Aquastore NW will erect the tank(s) utilizing factory certified installation crew. Erection will be performed in a workman like manner in accordance with the contract documents. Aquastore NW is a licensed contractor in the states of Oregon, Washington, Idaho, California and Alaska.

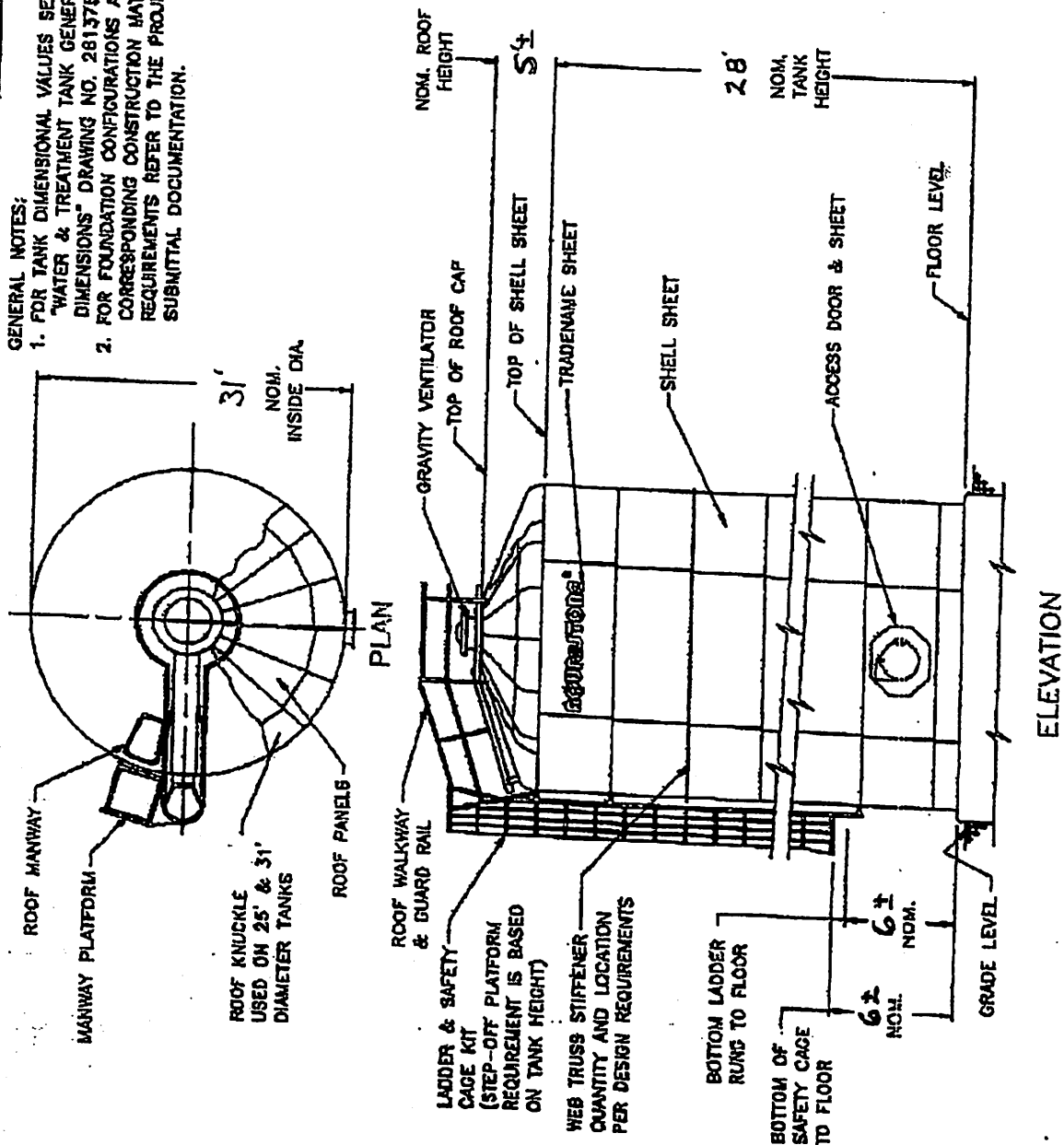
Clarifications/ Exceptions

- ♦ Tank to be erected on customer prepared site to grade.
- ♦ Tank to be erected on suitable soils capable of supporting this weight.
- ♦ Standard cobalt blue color, other colors available at an additional cost.
- ♦ Designs for reservoir and foundation are stamped by an Oregon engineer.
- ♦ Aquastore NW requires the following: Sanitary facilities, dumpster and adequate storage space adjacent to foundation for storage of materials.
- ♦ Customer will be responsible for filling and testing the tank under the supervision of Aquastore NW personnel.
- ♦ Does not include any site work nor rock excavation defined as not diggable by a CAT 416 Backhoe.
- ♦ Does not include local licenses, permits, taxes or bonds.
- ♦ Must have reasonable access for concrete trucks. Should concrete costs exceed \$125.00 per yard delivered, Aquastore NW reserves the right to add for additional costs incurred.

PRODUCT MENU

NEXT

- GENERAL NOTES:
1. FOR TANK DIMENSIONAL VALUES SEE "WATER & TREATMENT TANK GENERAL DIMENSIONS" DRAWING NO. 281376.
 2. FOR FOUNDATION CONFIGURATIONS AND CORRESPONDING CONSTRUCTION MATERIAL REQUIREMENTS REFER TO THE PROJECT SUBMITTAL DOCUMENTATION.



REV	DESCRIPTION
1	RELEASED FOR M/I MARKETING SALES & PRE-SUBMITTAL USAGE 8-8-90, RIK
2	REVISED GENERAL NOTES AND LABELS, 1-2-91, RIK
3	REMOVED "ANCHOR CHAIR" LABEL; REVISED NOTE 2; ECH 05101, 6-17-98, RIK
4	REMOVED NOTE 2; ECH 08172, 06/11/98, MCA/
5	REVISED COMPANY NAME ECH 01100, 5/24/01, DMA

ENGINEERED STORAGE PRODUCTS COMPANY

CONFIDENTIAL
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WATER TANK
WITH CONCRETE
FOUNDATION
14' THRU 31' DIA.

DRAWING NO. 261351

3128 WT

2C 094

1C 099

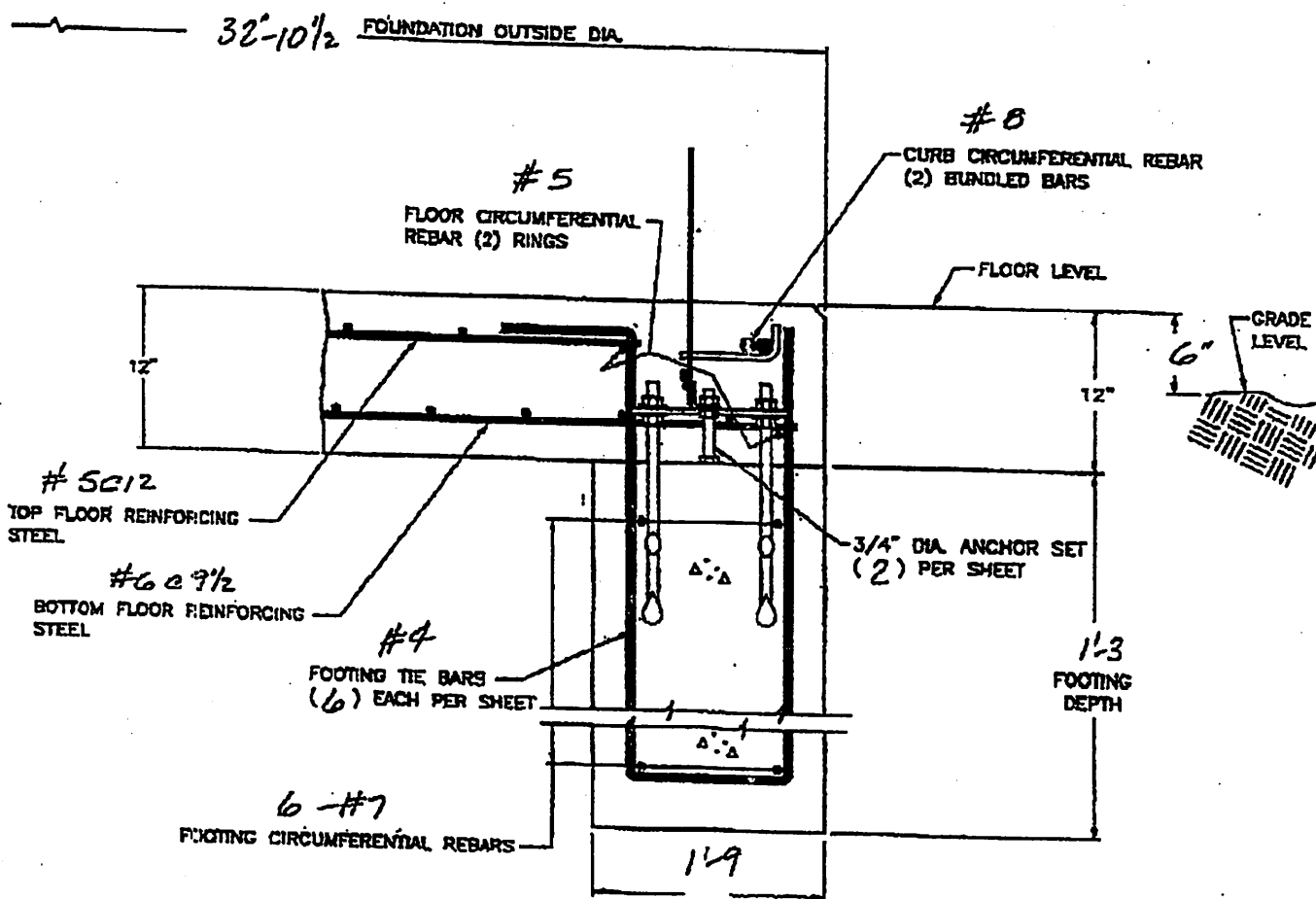
1C 132

1C 164

1C 197

FOWP 197

2 RINGS 3" WT



SECTION THROUGH FOOTING

SOIL BEARING 2500 psf

SEISMIC DESIGN CODE/ZONE IBC 2000

E:\AQUA\FND53

DOCUMENT NUMBER: 7042865

AQUARES

-010

TITLE: TANK CALCULATIONS

REL.: 0
DATE: 10-13-04
BY: kplson

0(3XSUMMARY OF INPUT DATA
0(2XSTRUCTURE MODEL ----- 31 28
FOUNDATION TYPE ----- SS
SPECIFIC GRAVITY ----- 1.000
H/V PRESSURE RATIO ----- 1.000
FREEBOARD ----- 0.000 in 0.000 mm
ROOF TYPE ----- STD
ROOF WEIGHT ----- 5.000 psf 24.412 kg/m2
SC ROOF HEIGHT ----- 2.500 in 63.500 mm
DC ROOF PROJ AREA ----- 105.410 sq ft 9.793 sq m
DC ROOF CENTROID ----- 25.070 in 636.778 mm
TOTAL ROOF HEIGHT ----- 72.140 in 1832.356 mm
SNOW (LIVE) LOAD ----- 25.000 psf 1.197 kPa
WIND DESIGN ----- AWWA D103*(25.92 psf)*
WIND SPEED ----- 120.000 mph 54.000 m/s
WIND STIFFENER ANALYSIS ----- AWWA D103*(25.92 psf)*
SEISMIC DESIGN ----- IBC 2000, Ss=2.170, Sl=****
SEISMIC USE GROUP II, SDs= ****, SD1= .875, SITE CLASS C
FLAT BOTTOM GROUND SUPPORTED ANCHORED TANK.
DESIGN BASE SHEAR, V = 0.240W
ANALYSIS PROCEDURE: -----
ALLOWABLES USED ----- AWWA D103-97
FLOOR O.D. ----- AWWA D103 - 97
FLOOR I.D. ----- 32.250 ft 9829.800 mm
SLAB I.D. ----- 29.750 ft 9067.800 mm
27.417 ft 8356.600 mm

0(3XSUMMARY OF INTERNALLY ASSIGNED PARAMETERS
0(2XBOLT DIAMETER ----- 0.500 in 12.700 mm
HOLE DIAMETER ----- 0.5625 in 14.287 mm
TOP COURSE EDGE DIST ----- 1.000 in 25.400 mm
CONCRETE IN FNDN ----- 5.000 in 127.000 mm
DIST T/FTG TO B/FLR ----- 7.000 in 177.800 mm
TOTAL FNDN THICKNESS ----- 12.000 in 304.800 mm
SHEET DENSITY ----- 590.000 pcf 9451. kg/m3
STEEL ELASTIC MODULUS ----- 30000000. psi 206843. MPa
CONCRETE DENSITY ----- 144. pcf 2307. kg/m3
NET SHEET WIDTH ----- 105.462 in 2678.735 mm
NET STANDARD SHEET HT. ----- 54.990 in 1396.746 mm
STARTER PANEL HEIGHT ----- 10.170 in 258.318 mm
INVENTORY FILE USED: ----- Ws.df

DOCUMENT NUMBER: 7042865

-010

TITLE: TANK CALCULATIONS

31 28 AQUASTORE STRUCTURE DESIGN SUMMARY 0(2X
COURSE SHEET THICK THICK PLACE GEOM MAT LIMITING
NUMBER in. mm CODE CODE CODE FACTOR(S)
1 1 0.094 2.388 1 101 1 0
2 1 0.094 2.388 1 101 1 0
3 2 0.099 2.515 1 1201 2 15 16
4 3 0.132 3.353 1 1201 2 41
5 4 0.164 4.166 1 1201 2 41

6	5	0.197	5.004	AQUARES	1	1201	2	41
FDN	13	0.197	5.004		3	5320	2	0

WIND STIFFENERS REQUIRED:

STIFFENER AT BOTTOM OF COURSE	1 SECT. MOD. =	0.636 cu in	10425.782 mm3
STIFFENER AT BOTTOM OF COURSE	2 SECT. MOD. =	0.625 cu in	10239.573 mm3

mm	STRUCTURE DIAMETER	=	30.77 ft	9379.35
mm	HEIGHT OF STRUCTURE TO EAVE	=	28.43 ft	8664.19
mm	SLOSHING WAVE HEIGHT	=	1.78 ft	542.68
m3	VOLUME OF STRUCTURE TO EAVE	=	21141. cu ft	599.
m3	VOLUME OF CONTENTS	=	21141. cu ft	599.
L	VOLUME OF CONTENTS	=	158143. gal	598637.
m3	VOLUME OF CONCRETE FND.	=	442. cu ft	13.
kg	WEIGHT OF EMPTY CYLINDER ABOVE FLOOR	=	17783. lb	8066.
kg	WEIGHT OF ROOF	=	3719. lb	1687.
kg	SNOW (LIVE) LOAD	=	18593. lb	8434.
kg	WEIGHT OF CONTENTS	=	1319177. lb	598368.
kg	FOUNDATION WEIGHT	=	63698. lb	28893.
kg	TOTAL WEIGHT ON FOOTING	=	1422969. lb	645447.
N	WIND SHEAR AT TOP OF FOOTING	=	25116. lb	111721.
kN-m	WIND MOMENT AT TOP OF FOOTING	=	422057. ft-lb	572.
N	SEISMIC SHEAR AT TOP OF FOOTING	=	323313. lb	1438168.
kN-m	SEISMIC MOMENT AT TOP OF FOOTING	=	4238911. ft-lb	5748.

0 D(3X
Page 3

DOCUMENT NUMBER: 7042865

-010

TITLE: TANK CALCULATIONS

0(3X

HOOP STRESS ANALYSIS

0(2X

COURSE	DEPTH FT	PRESS PSI	NET TENS	STRESS - PSI				
				ALLOW TENS	HOLE BEAR	ALLOW BEAR	BOLT SHEAR	ALLOW SHEAR
1	4.7	2.0	5410.	14566.	16799.	40500.	4021.	18163.
2	9.2	4.0	10724.	14566.	33297.	40500.	7970.	18163.
3	13.8	6.0	15227.	25400.	23640.	67500.	5960.	18163.
4	18.4	8.0	15204.	25400.	23605.	67500.	7934.	18163.
5	23.0	10.0	15283.	25400.	23727.	67500.	9909.	29454.
6	27.6	12.0	15259.	25400.	23689.	67500.	11884.	29454.
FND	28.4	12.3	14150.	25400.	20479.	67500.	10273.	29454.

0(3XAXIAL STRESS ANALYSIS

0(2X

COURSE	AXIAL	STRESS - PSI		
		ALLOW	HOLE	ALLOW

	COMP	COMP	BEAR	AQUARES BEAR	SHEAR	SHEAR
1	223.	1001.	2244.	40500.	537.	18163.
2	242.	1001.	2432.	40500.	582.	18163.
3	249.	1053.	2498.	67500.	630.	18163.
4	205.	1396.	2062.	67500.	693.	18163.
5	184.	1724.	1848.	67500.	772.	29454.
6	172.	2058.	1727.	67500.	866.	29454.
FND	175.	2058.	1762.	67500.	884.	29454.

0 0(3X
Page 4

DOCUMENT NUMBER: 7042865

-010

TITLE: TANK CALCULATIONS

0(3X

WIND STRESS ANALYSIS

0(2X

COURSE	STRESS - PSI							
	AXIAL COMP	WIND BEND	TOTAL COMP	ALLOW COMP	HOLE BEAR	ALLOW BEAR	BOLT SHEAR	ALLOW SHEAR
1	53.	30.	83.	1335.	834.	54000.	200.	24217.
2	72.	74.	145.	1335.	1461.	54000.	350.	24217.
3	87.	130.	217.	1404.	2183.	90000.	550.	24217.
4	84.	157.	241.	1861.	2423.	90000.	814.	24217.
5	86.	186.	272.	2299.	2735.	90000.	1142.	39272.
6	91.	214.	304.	2744.	3057.	90000.	1533.	39272.
FND	94.	226.	320.	2744.	3211.	90000.	1611.	39272.

0(3XSEISMIC STRESS ANALYSIS

0(2X

COURSE	STRESS - PSI							
	AXIAL COMP	SEIS BEND	TOTAL COMP	ALLOW COMP	HOLE BEAR	ALLOW BEAR	BOLT SHEAR	ALLOW SHEAR
1	53.	73.	126.	1335.	1261.	54000.	302.	24217.
2	72.	364.	436.	1335.	4376.	54000.	1047.	24217.
3	87.	868.	954.	1404.	9587.	90000.	2417.	24217.
4	84.	1236.	1320.	1861.	13258.	90000.	4456.	24217.
5	86.	1622.	1708.	2299.	17159.	90000.	7166.	39272.
6	91.	2076.	2166.	2744.	21758.	90000.	10915.	39272.
FND	94.	2228.	2322.	2744.	23321.	90000.	11699.	39272.

0 0(3X
Page 5

DOCUMENT NUMBER: 7042865

-010

TITLE: TANK CALCULATIONS

0(3XSEISMIC STRESS ANALYSIS CONTINUED

0(2X

COURSE	STRESS - PSI		
	HDYN HOOP	TOTAL HOOP	ALLOW TENS
1	1814.	7224.	19421.
2	2629.	13353.	19421.
3	3010.	18237.	33867.
4	2484.	17689.	33867.
5	2051.	17334.	33867.
6	1703.	16962.	33867.
FND	1703.	15853.	33867.



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Russ Dodge, PLS
Stephen R. Cox

January 6, 2005

City of Brookings
898 Elk Drive
Brookings, OR 97415

Attn: Ed Wait
Acting Community Development Director

Re: Pacific Terrace PUD
On-Site Improvements
Project No. 01.30

Dear Ed:

We have reviewed the response to our December 10, 2004 correspondence, although plans were not submitted to address any of the requested changes. Since the response is extensive, we have attempted to address each issue on the same form as the original, and with a similar numbering sequence. The italics indicate the December 17, 2004 response from T.J. Bossard, Inc., and the bold comments indicate where how we believe each comment should be addressed:

General

1. All plans shall be prepared on separate plans, with plans and profiles as addressed in General Engineering Requirements. Separate plans and profiles shall be prepared for water, sewer, and streets and drainage. Profiles shall be prepared for all plans. *Although we recognize the intent of your General Engineering Requirements section, we felt it appropriate because of the limited amount of storm drainage facilities to list all plan and profiles on the same sheets. Less than one-half of the profiles have only one utility shown, and we request that only areas of "congestion" of multiple utilities will be provided with multiple profiles for clarity.* **Separate Plans and profiles for each utility will be required in order that as-builts of each infrastructure can be provided and understood readily by maintenance staff. Separate plans and profiles will be required for each, as stipulated in the Brookings General Engineering Requirements.**
2. Match lines shall be provided on every sheet of every plan. The current plans are very difficult to review, with a lack of match lines. *We have corrected and installed match lines on all plans and profiles as requested.* **This will be reviewed when submittals are received.**
3. All writing on plans shall be provided to read from the bottom or right side of each plan and profile. *Apparently you are referring to the Plan view on "Zoe Drive" on Sheet 10 of 30 which has already been corrected. No other lettering formats that we know of needs correction.* **Sheet 7 also needs to be corrected.**
4. Public facilities need to be constructed in street R/W wherever possible to facilitate maintenance. This will be a requirement for water and sanitary sewer facilities, and for drainage facilities if ownership and maintenance is to be provided by the City of Brookings. *The storm drain and sanitary sewer public facilities shown that are not within a public right of way appear six times on our plans. In each case we feel that these routes are the most efficient and effective methods to transport*

either storm drain or sanitary sewer to outlets off-site. In each case we have positioned the manholes and cleanouts within driveways or private drives of the project. Therefore, the only elements of the facilities not within the public right of way are sections of the corresponding utility lines between the accessible manholes. Our layout both minimizes lines and provides the most direct routing of these utilities to the collection systems, while still adequately providing for maintenance. Public facilities should be constructed in public R/W wherever possible. In our review this does not appear to be a significant requirement, based on the length of lines required to install the facilities in public R/W. Brookings has a limited maintenance staff, and needs access to all public facilities that will require future maintenance.

5. Plans received in this office included two sheet 7's, and no sheet 6's. We have enclosed the correct sheets as requested. The plan submittals were received and have been reviewed.

6. No electrical or signing plans have been received. Electrical plans showing servicing of the overall property from Coos-Curry Electric will be submitted to you under separate cover.

Please respond as to your requirements for "signage". We need submittals for stop signs, parking, and traffic control plans. Specific requirements were provided in the Conditions of Approval.

7. Most of this property falls within Section 100 requirements. The grading plan is insufficient. All requirements of Section 100 must be provided as required by the Brookings Land Development Code, including geotechnical engineering for all affected parcels. We will review Sections 100 and provide your office with the additional requirements in 8 1/2" x 11" format or contained upon these plans under separate cover. We have also just received the road report from Busch Geotechnical and have included that with this submittal. The grading plan has been received and reviewed. The grading plan must address all requirements of Section 100, incorporating information supplied by the geotechnical consultant.

8. Stipulations in the Conditions of Approval for restrictive covenants address sidewalks. If sidewalks are required, plans must be modified accordingly. All streets on-site are private and as part of the tentative plat approval, no sidewalks are required. As an alternate, you will note that we have provided a pathway system throughout the project to accommodate pedestrian traffic. Also, no sidewalks were required on Old County Road section as we indicated on our previous separate submittal for off-site improvements. We believe this was the intent, but the restrictive covenants do address sidewalks, which should be corrected to the satisfaction of all parties.

Water

1. The interconnection to the existing main in Old County Road is not indicated on these plans. In addition, the off-site plans for this project showed the waterline in Old County to be 6", when in reality it is either 8" or 10" at this location. We will show clarification of sizing and connection on our revised submittal. This is agreeable, provided that sizing and location are corrected.

2. Ownership of proposed utilities will be a concern that has not been addressed. Water and Sanitary Sewer facilities shall be transferred to the City of Brookings for ownership, operation, and maintenance. On-Site Drainage can either be transferred to the City of Brookings, or maintained by the private homeowner's association. All water and sanitary sewer will be dedicated to the public unless otherwise shown on the drawings. The drainage channel as



depicted on both plans and as shown on Detail "A" shall be private. Private on-site drainage shall be operated and maintained by the Homeowner's Association. **It is understood that drainage will not become a responsibility of the City of Brookings.**

3. Existing water line location in Old County Rd. are not correctly shown as constructed. As-Built location shall be indicated on final plans. *The existing water line shown in Old County Rd. is per the locates performed by the City of Brookings Public Works Department. ~~There was an apparent error in the locates done on this water line.~~* We will show the current locations as part of our corrected submittal. **This approach is acceptable.**

4. Plans need to indicate what is existing and what is proposed. *We will show clarification of existing and proposed features on our revised submittal.* **This approach is acceptable.**

5. The water System for 2nd high level needs to be looped for fire protection. *Please provide your preferred location for this loop connection.* **Pacific Terrace Loop and Pacific Terrace Drive to point of intersection, and Pacific Terrace Drive to existing 8" line in emergency access route.**

6. The 2nd high level water needs to be extended through this development, and connected to the existing 8" waterline in the emergency access road. When facilities are complete, the City of Brookings should isolate this section of main from the 3rd high level water system to provide fire protection from the new reservoir for existing homes in this area. (This should be reviewed by City staff.) *It is our understanding that providing this connection would expand the original design of the 2nd high level water system with the additional services of the existing properties currently served by the 3rd high level system. Although this connection is feasible our client would expect some participation from the effected properties in the sharing of the additional costs associated with this expansion.* **The City of Brookings and the developers of Marina Heights provided the existing system which is providing water service to this development, at no cost to this developer. In review of developed plans, tie outs of the existing waterline are not evident, but the requested interconnection appears to involve approximately 50' of piping. It may be possible to save a fire hydrant, since one exists at this location. No participation from other sources is justified. This approach also removes the existing houses from the 3rd high level system, and allows capacity for the 3rd high level system to directly serve 3rd high level users in this development.**

7. Single water meters should be located on the property to be served. Double water meters should be located on the property line of lots to be served. *Submitted plans appear to reflect this condition. Please specify areas of concern.* **Although it is very difficult to follow the existing plans with all of the utilities existing on each sheet, it appeared to us that one or two homes were not served. When revised plans are completed, please verify that each lot is connected to the water system.**

8. Some lots do not appear to be receiving water under the submitted plans, and this will need to be corrected. *Submitted plans appear to reflect this condition. Please specify areas of concern.* **Please note comments for item (7) above.**

9. Fire hydrant placement must be reviewed and approved by the Fire Chief, and the Chief should accept the fact that fire protective water for the 3rd high level system is limited to 23,000 gallons of storage. *Fire hydrant placement will be reviewed and approved by Fire Chief.* **Acceptable. Fire Chief Sharp will need to make provisions for limited storage in the 3rd high level system.**

10. For clarity, the labeling for the fire water system should be changed to 3rd high level water system. *Please clarify on this comment. It is our understanding that the fire water system and domestic system line from the water reservoir is actually the 2nd high level system, not the 3rd. The system planned for service from the new storage reservoir will be 2nd high level. The line indicated as the fire water system is serving water from 3rd high level, and needs to be indicated as such for future personnel, particularly since plans call for two water lines and two service zones in the same streets.*

11. Details for the water reservoir, and controls for operation, must be submitted for review and approval. *Project owners are currently finalizing their choice for the proposed water reservoir. Details will be provided under a separate cover. Acceptable. We suggest that the choice be distributed prior to final design to make certain that all parties are in agreement with the project owners decision. Wood and fiberglass reservoirs are not acceptable options.*

12. All taps into existing water mains must be provided with valving. *We will show clarification of water tap valving on our revised submittal. Acceptable.*

13. All tees and crosses must have valves in accordance with Brookings Standards. In addition, maximum valve spacing will be limited to 1000 lf. *We will show clarification of water valving at tees and crosses on our revised submittal. Acceptable.*

14. All fire hydrant assemblies must be furnished with valves. *We will show clarification of fire hydrant valving on our revised submittal. Acceptable.*

15. We need an overall plan showing the design concepts for the water system. *Please clarify on this comment. A cover sheet specifically for the water system needs to be developed showing the various pressure levels and all proposed water lines.*

16. Spell out what WSO is a reference to. *Please refer to the legend for clarity. If this was covered in the legend, there would be no need to spell it out. Maybe this will appear in the revised submittal.*

17. Geotechnical engineering and recommendations must be provided for the proposed reservoir site. *Similar to item 11, geotechnical engineering and recommendations will accompany the details of the water reservoir under a separate cover. Acceptable.*

18. The 3rd high level system should have a pressure reducing valve and vault installed to circulate water back into the 2nd high level system. This will provide circulation from the dead end of the 3rd high level system. *Please clarify on the location of the items noted in this comment. This should be at the end of the 3rd high level system (fire system) at station 8 + 10.45.*

Sanitary Sewer

1. Sizing for the proposed sanitary sewer line on Marina Heights is not indicated on plans. *Please see previous submittals entitled "Off-Site Improvements" dated 9/27/04 for details relating to Marina Heights Road. This was the concern, since a request was made on this review to increase the line size in Marina Height Road. The plan should designate 10" pipe.*

2. Sanitary sewers should be located in streets rather than in easements, for maintenance purposes. *All sanitary sewer structures will be located within a private street or driveway and will be accessible for maintenance. All sanitary sewer lines will be located within the private street right-of-way or within an easement to ensure adequate access for maintenance. We*

recommend that sanitary sewers be located in proposed streets, wherever possible, for maintenance purposes by the City of Brookings. This will require redesign, but does not appear to be a major expenditure, and City staff need access to constructed facilities for long term maintenance.

Storm Drains

1. Underground drainage on Old County Road shall be an integral portion of this development, either as on-site or off-site improvements. A drainage system analysis shall be performed with recommendations for sizing of Old County Road and all other drainage improvements on this site. The drainage analysis shall be submitted with final construction plans. *In our previous discussion we established that neither the Conditions of Approval or the Brookings Storm Drainage Master Plan require underground storm drain improvements in Old County Road. We have enclosed an addendum to our original hydrology analysis which quantifies the storm water runoff to Old County Road. This runoff is minimal and can easily be accommodated by the proposed ditch shown in our previous submittal for "Off Site Improvements".* Condition 23 of the Conditions of Approval stipulate that all street improvements shall include any required underground storm drain facilities. Condition 37 of the same conditions requires that all storm drains shall be installed pursuant to the provisions of the Standard Specifications document. Item 40 of the identical conditions stipulates that all sanitary and storm sewer plans shall be approved by the City Engineer prior to construction and all construction shall be carried out as approved by the City Engineer. The Comprehensive Plan for Storm Drainage Development for the City of Brookings was adopted in 1985, long before this development was contemplated. The adopted plan provided for a new 24" storm drain from Marina Heights South, but this is no indication that future facilities would not need to provide underground storm drainage. Recommendations of the plan was for underground facilities throughout the City, and this development is not unique in a manner that would not provide underground drainage. Engineering Requirements for Construction Plans clearly indicate that storm drains will be underground, and no references are made to roadside ditches. This policy has been followed in the City since 1988. Original recommendations should remain a requirement for this development.
2. Topography for the areas surrounding Old County Rd. drain to the existing, and shall be collected and carried underground in new drainage on Old County Rd. *Please see response to item # 1 above. Please note our response to item (1) above.*
3. Proposed storm drains should be moved into streets if maintenance is to be accepted by the City of Brookings. *All storm drainage elements within the streets will be turned over to the City of Brookings for maintenance. All other storm drainage facilities as shown on the plans will be operated and maintained by the Homeowner's Association. This is acceptable.*
4. All drainage improvements shall be provided in underground drainage facilities as provided in General Engineering Requirements and the conditions of approval. *All public storm drainage improvements shall be in conformance with the general engineering requirements for the City of Brookings. We agree. Before we will recommend approval of the construction plans, all storm drainage improvements will be in compliance with the General Engineering Requirements and the Conditions of Approval.*

5. Details and dimensions of the detention pond will need to be provided for the proposed detention pond. *The general details of the detention pond are shown on Sheet 24 of 30. The overall volumes are shown and the specific details beyond those shown on the plans will be as a part of construction and will be included on the as-built drawings.* Construction plans will be completed before we can recommend approval of construction plans. The City should not allow plans to be developed during construction and noted in as-built drawings. It is time for quality plans developed in a manner that we can readily see what is planned, complete with dimensions and details. Modifications during construction will require approval before changes are made.

6. Maintenance of the proposed detention pond will need to be provided in an agreement, by the Homeowner's Association. *Maintenance and operation of the storm drain detention will be provided for in the Homeowners' Association CC & Rs and bylaws.* The CC & R's should be submitted for review prior to construction plan approval.

Street Improvements

1. Compaction requirements on Page 1 should stipulate which standards apply. Standard Specifications require compliance with AASHTO Standard Method T-180, Method A. *Specifications for compaction will be included in the general notes.* We will review specifications when they are presented.

2. Design calculations and details will need to be provided for all proposed retaining walls. Calculations for all retaining walls as a part of this design shall be provided under separate cover. *Typically those outside of the right of way are provided as a part of the Building Department permit requirements and we have in the past provided them directly to the Building Department as required by the City.* Calculations and details for retaining walls in proposed streets will be required before approvals will be recommended for construction. Individual property owner walls can be directed to the Building Department for required permits.

3. The typical private street design does not match the street designs provided. Plans need to be consistent. *Please clarify the inconsistency between the private street section and the plans to which you refer.* The typical private street section was misread, and is acceptable.

4. Plans for removal of the bank on Lot # 1, as addressed in the Conditions of Approval, shall be provided. *The improvements to removal of the bank on Lot 1 have been provided to you under previous submittals entitled "Off-Site Improvements" dated 9/27/2004.* We previously reviewed the "Off-Site Improvements, as requested, for water and sanitary sewer installations. Revised "Off-Site" plans printed on 12/29/04 will be reviewed in the near future.

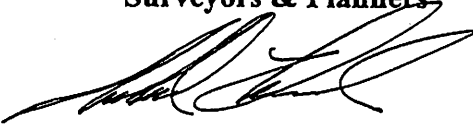
5. The conditions of approval stipulate that location of all water and sewer laterals is to be noted on the curbs. We presume that curbs are not being provided, but some means of indicating location needs to be provided, preferably in concrete. *Concrete monuments shall be provided for all sewer and water laterals in accordance with the detail shown on Sheet 30.* This detail has not yet been submitted.

Only one set of plans were submitted to this office for review, and we are maintaining the copy for record purposes in this office. Please contact me if you have any questions, or if you would like us to reproduce the plans for delivery to the City of Brookings.

We appreciate the opportunity to be of assistance to the City of Brookings.

Very truly yours,

**HGE INC., Architects, Engineers,
Surveyors & Planners**



Richard D. Nored, P.E.
President

- c. LeRoy Blodgett, City Manager
John Bischoff, Planning Director
John Cowan, Public Works Supervisor
Laura Lee Gray, Building Official





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Stephen R. Cox

January 20, 2005

City of Brookings
898 Elk Drive
Brookings, OR 97415

Attn: Ed Wait
Community Development Director

Re: Pacific Terrace PUD
Project No. 01.30

Dear Ed:

In follow up to your request for additional clarification on my January 6, 2005 review of the Pacific Terrace PUD project, we provide the following in response to questions provided by e-mail.

General Responses. Item 4. In review of the submitted plans, it appears possible to construct both water and sanitary facilities in streets provided by the PUD, rather than extending lines through individual properties. The issue is access for maintenance, and City staff need access not only for periodic maintenance, but eventually replacement or corrective action for failures that could develop over time. In review of the developed plans, it appears that location of all sewers in the streets will involve less than 200 feet of additional sewer construction, and there will be no need for individual easements. The water plans are proposed in streets to be provided by the PUD, and need to be looped for fire protection.

General Responses. Item 7. The submitted plans did not address Section 100 and the requirements under 100.050. The ordinance is intended to be site specific, and the Busch geotechnical report proposes to provide separate geotechnical reports on the lots with concern. T.J. Bossard, Inc. proposed to develop specifics for compliance with Section 100 on individual sheets, and this would be acceptable as proposed. The original plans did not provide the requirements of Section 100.050.

General Responses. Item 8. There are retaining walls proposed adjacent to developed streets. While there may be some issue with review of PUD facilities that will not be dedicated for the general public, the City has always provided review for street improvements as well. My reference to sidewalks basically is to address removal of sidewalks from the Conditions of Approval. I believe the intent was that no sidewalks were required, but references in the Conditions of Approval could be misinterpreted. The Conditions should probably be corrected while the original intent is clear in the minds of all parties.

Water. Item 6. We have worked with the design engineer on separation of the two pressure bands, and the pressures that are available to serve all lots in the proposed subdivisions. They are labeling the 3rd high level system supplying water from Marina Hts as the fire system, when in reality it will serve both fire and domestic water to lots

EXHIBIT 1

high up on the hill. The system as proposed will function and meet City standards, and will serve the property well. We are simply asking the developer to relabel the fire system as 3rd high level, which it is, and to connect 2nd high level to the existing line through the short street existing off of Marina Heights. For clarification, the existing hydrant in the street could remain rather than replaced with the proposed hydrant, and the developer could simply make a short connection to existing facilities, initially connecting the two systems with a valve. (Chief Sharp would need to agree with allowing the existing hydrant to remain.) This approach would remove the existing homes from the very high pressure 3rd high level system at this location for the existing homes, and relocate the houses to the 2nd high level system.) In addition to pressure, this approach would provide reservoir storage for the existing homes, and would transfer capacity in the 3rd high level system to the few 3rd high level users that will need service in Pacific Terrace PUD. With this approach, City staff or the City Engineer should schedule a meeting with the existing affected property owners to explain the benefits to a change in service before valving is utilized to change their high level service area.

Water, Item 9. ~~Expressed comment concern with fire protection.~~ This comment was made to remind Chief Sharp of the limited fire protection available in the existing 3rd level water system for Marina Heights. My comments are not intended to indicate ~~that the system doesn't meet the needs of the population.~~ The fire chief needs to review and approve plans for hydrant placement. My point with storage for the 3rd high level system is that it is limited. Storage for 3rd high level is existing, and this developer is doing his part by installing new reservoir storage for the 2nd high level system. In addition, when the homes on the existing short street are connected to the 2nd high level system, those homes will be taken off the 3rd high level system and the limited storage. Homes in the upper reaches of this development are limited, and they will have the potential for fire protection from both the 3rd high level system and the 2nd high level system if necessary, even though water from the 2nd level system would need to be pumped by the fire engines. This comment is to secure approval from the fire chief, although I don't believe it makes the situation any worse than what currently exists.

Water, Item 10. This comment involves changing the designations of the service zones within the PUD for clarification. I believe this is self explanatory from the discussion under water, item 6. All parties need to be aware that there are two water mains in the same street, and future construction needs to be careful which is utilized for new home construction. If possible, it would be a good idea to utilize two different colors of water pipe materials for the 2nd and 3rd high level systems in this area, such that future connections would be aware of the differences.

How to identify - dual taps
Water, Item 18. The plans as submitted leave a dead end line on the 3rd high level system. This requested modification suggests that they install a pressure reducing valve at the end of the 3rd high level system, interconnecting it with the 2nd high level system so we have a limited flow for maintaining water quality.

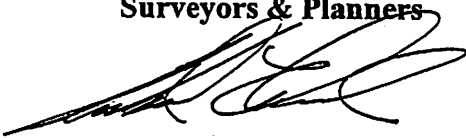
Sanitary Sewer, Item 2. This item is a portion of the original concern addressed under General Responses, Item # 4, relating specifically to sanitary sewers. This issue is discussed under the explanation above.

If you have concerns in any portion of our responses, or in the requested plan modifications, please let me know. We are also available for on-site discussions in Brookings, or in our office, at your discretion.

We appreciate the opportunity to be of assistance to the City of Brookings.

Very truly yours,

**HGE INC., Architects, Engineers,
Surveyors & Planners**



Richard D. Nored, P.E.
President

- c. LeRoy Blodgett, City Manager
- John Bischoff, Planning Director
- John Cowan, Public Works Supervisor
- Laura Lee Gray, Building Official



Bruce Bros. Inc.
P.O. Box 61
Brookings, OR 97415
CCB # 108497 (541) 469-9210

City of Brookings
898 Elk Dr.
Brookings, OR 97415

June 21, 2005

Attn: Ed Wait
Community Development Director/Planning Director

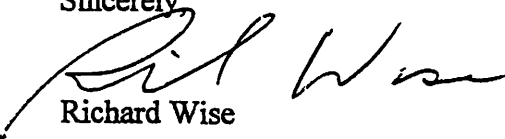
RE: **File No. PUD-1-04**
Pacific Terrace P.U.D.

Gentlemen,

Attached please find the final engineering foundation calc's for the water tank. Final lot line adjustments are recorded and complete. A recorded copy of the approved final map will be delivered to your office when released by County Surveyor Floyd. We anticipate this to be received in your offices from First American tomorrow. We believe this renders your letter of June 9 mute. Separately, we must be present at the next planning commission hearing, as an extension for the conditional use permit is on the docket and no time remains for an additional time extension.

Your attention and response is greatly appreciated. Thank you for your time, assistance, and patience.

Sincerely,


Richard Wise

RECEIVED
JUN 21 2005
CITY OF BROOKINGS
COMMUNITY DEVELOPMENT

Bruce Bros. Inc.
P.O. Box 61
Brookings, OR 97415
CCB # 108497 (541) 469-9210

City of Brookings
c/o Acting City Manager Paul Hughes
898 Elk Drive
Brookings, OR 97415

September 30, 2005

RE: Pacific Terrace PUD

Via Certified US Mail

Dear Mayor, City Council and City Manager,

Please excuse and forgive the sense of urgency that drives our desire to complete and accomplish the task at hand, namely, the subdivision at Pacific Terrace. What response should staff expect, when time and again repetitive requests for submittals are met with our reply that such request have already been addressed, and we subsequently provide the "City's" approved documentation back to you. Today, in what we can describe only as an absolute shock, we add to the litany of insults, the discussion at site plan where we (Noah and I were both present) are insulted by Mr. Bishoff and referred to as "these idiots are like trying to train a rock" amongst other rude and unprofessional comments, along with derogatory references about other contractors. Is it not the role of City staff to review and assist the public with submittals and requests, along with guiding the public through the maze of the bureaucracy, not becoming the speed bumps in the road. We believe in is wholly inappropriate for staff to inform our office that 10 days following final approval before the Planning Commission, a site visit is to be conducted to bring new staff up to speed, along with any other changes as may be required prior to the signatures being provided on the final plat. Equally insulting, are the repetitive remarks made by staff, who seem to be unfamiliar with their own requests, with responses already contained within their own files, but an eagerness to deny and find humor and delight at the invention of new and creative excuses to cause further delay. Specifically, the remarks that the City had yet to receive the water tank information, when an approval of design had been provided to the City and approved by the consulting city engineer, in January 2005. Derogatory repetitive comments by and amongst staff that Bruce Bros. always claims to have something submitted, we challenge the staff to identify one instance to reinforce such statements. We are perplexed that staff would continue to challenge the veracity of our statements, without identifying any evidence of where a false claim has been made. Such continued remarks perpetuate the mistrust by others, does irreparable damage to our professional reputation and our public image. Conspiring staff inappropriately create unrecoverable delays which have a devastating financial impact upon our operations. We believe the current conduct of some city staff deserve reviewed by the Council and Mayor, and the appropriate admonishments issued, and an apology to Mr. Noah Bruce,

who should not have been insulted by staff who hold a position of power and authority over developers and contractors alike. We further wish to question the role of staff, in rebuking the authority of the Planning Commission, by suggesting substantial deviations from the approved final map after a final vote by the Commission. Additionally, we further call into question the policy of conducting site plan review in private, while projects and individuals are berated without the opportunity to defend or correct misstatements concerning their projects and profession. We call for a change in policy, one which should allow these meetings to be open to the public, or at the least to include the individuals and or representatives of agenda items to be discussed.

We wish to point out that no inflammatory remarks from the building inspector or senior planner were overheard. In fact, Ms. Gray and Ms. Snow immediately offered Noah an apology and comments of how embarrassing the statements of co-workers during the meeting were received, and telephoned an apology to Joshua Bruce this morning.

We have forwarded this letter to our outside legal counsel with a request this issue be pursued further. We look forward to receiving your response.

Respectfully,

Richard Wise
Office Administrator

Bruce Bros. Inc.
P.O. Box 61
Brookings, OR 97415
CCB # 108497 (541) 469-9210

RECEIVED
OCT 11 2005
CITY OF BROOKINGS
COMMUNITY DEVELOPMENT
October 11, 2005

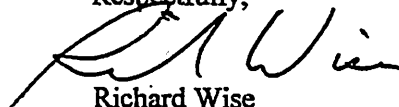
City of Brookings
c/o City Manager
898 Elk Drive
Brookings, OR 97415

RE: Pacific Terrace PUD

Dear City of Brookings Building Department,

Yesterday in conversation with City Engineer Richard Nored PE of HGE Engineering, the color of the water tank to be installed was discussed. The tank, as originally ordered is cobalt blue, and for the first time the subject was mentioned that the color should be green. After much conversation with the design engineers and further discussion with the factory, this belated request cannot be altered. The tank is already in the manufacturing process and the color is fused with the steel during production. The finished product is designed to be graffiti resistant and can be cleaned with the appropriate solvent. We wish to reiterate, that the original contract was delivered to city staff prior to Bruce Bros. Inc. entering into a contractual relationship for approval of design and specifications. The manufacturer will not be producing green as a color until the second quarter production runs of next year, in addition to the substantial increase in costs of raw materials from the time the original purchase order was accepted last July. In short, we find the detail of this oversight and subsequent responsibility to rest squarely within the ranks of the City of Brookings, to place any change order at this late hour would significantly delay the project and we will not bear any increased cost associated with such a change. I have been in communication this morning with Max Marcott, President of the Aquastore NW Inc., the water tank supplier, and given assurances that Bruce Bros. will not breach the current contract and our company can be relied upon to provide payment as required for the tank and will recognize our financial obligation for payment. This is an extremely urgent matter and any further discussion on this topic must occur immediately. Please contact Mr. Marcott directly if verification of any details is required, and copy our firm.

Respectfully,


Richard Wise
Office Administrator

Cc: Max Marcott PE
503-678-2533

Dianne Snow

From: bruce bros inc [brucebrosinc@charter.net]
Sent: Monday, October 10, 2005 9:25 AM
To: kevin olson
Cc: Dianne Snow
Subject: water tank @ Pacific Terrace

Good Morning Kevin,

I just spoke with Richard Nored PE, who is the consulting engineer for the City of Brookings. He expressed concern that the color of the tank, shown as blue in the contract, needs to be green. Please immediately institute this change and confirm same. I will phone your office and communicate this in person as well. Thank you
Richard
cell 541-661-0672

Diane Snow- Planning- please circulate as necessary-interdepartment



CITY OF BROOKINGS

Public Works Department

898 Elk Drive
Brookings, OR 97415
Phone: 541.469.1151
Fax: 541.469.3650

MEMORANDUM

DATE: October 4, 2005
TO: John Bischoff, City Planner
FROM: Donald Wilcox, Public Works Director *DTW*
SUBJECT: Pacific Terrace Development by Bruce Brothers, Inc.

Public Works personnel visited the referenced site on Friday September 30. The development is currently in the initial phases of construction. We have identified several initial issues that need to be immediately resolved by the developer such as:

- Reinforced concrete wall structure within the water utility easement that is a significant impediment to water line maintenance
- No final, approved improvement plans on-site
- Sewer collection system not built to City Standards
- Water distribution system not built to City standards

These are only preliminary items that will need to be resolved by the developer and is not a result of a complete review of the construction toward acceptance or conformance with approved plans. The above items and any other deficiencies must be resolved with the developer prior to final infrastructure acceptance and issuance of Certificates of Occupancy. However, the City's interests are protected by existing bonding and executed agreements between the developer and the City already in place. Therefore, even though some issues are not yet resolved, they are relatively minor in nature and I believe the City is safe in signing their map for recordation.

cc: Ed Wait, file

bruce bros inc

From: "bruce bros inc" <brucebrosinc@charter.net>
To: <dshaddox@brookings.or.us>
Sent: Tuesday, November 29, 2005 12:51 PM
Subject: Fw: retaining wall approval

Dear Dale, please look into this fiasco, this is the item that went to site approval back in Sept. and I personally numbered each item in response to HGE's letter for Don after we met weeks ago. Also need your follow up on the water main issue. Please return a call at your earliest convenience.

Thank you,,,,,Richard

— Original Message —

From: Donald Wilcox
To: bruce bros inc
Sent: Wednesday, November 23, 2005 1:52 PM
Subject: RE: retaining wall approval

Richard,

Due to a tragic loss of life at HGE, we are probably a week or so behind in reviews.

Don



Donald Wilcox, PE
Public Works Director
City of Brookings, OR
Phone: 541.469.1151
Fax: 541.469.3650

-----Original Message-----

From: bruce bros inc [mailto:brucebrosinc@charter.net]
Sent: Wednesday, November 23, 2005 10:07 AM
To: Donald Wilcox
Cc: kevin olson
Subject: retaining wall approval

Greetings Sir,

any new news- Max Marcott from tank company is calling daily to schedule assembly - need foundation complete
please advise

Thank you
Richard

bruce bros inc

From: "Donald Wilcox" <dwilcox@brookings.or.us>
To: "bruce bros inc" <brucebrosinc@charter.net>
Sent: Wednesday, November 23, 2005 1:52 PM
Subject: RE: retaining wall approval

Richard,

Due to a tragic loss of life at HGE, we are probably a week or so behind in reviews.

Don



Donald Wilcox, PE
Public Works Director
City of Brookings, OR
Phone: 541.469.1151
Fax: 541.469.3650

-----Original Message-----

From: bruce bros inc [mailto:brucebrosinc@charter.net]
Sent: Wednesday, November 23, 2005 10:07 AM
To: Donald Wilcox
Cc: kevin olson
Subject: retaining wall approval

Greetings Sir,

any new news- Max Marcott from tank company is calling daily to schedule assembly - need foundation complete - please advise

Thank you
Richard

11/23/2005



ARCHITECTS
ENGINEERS
SURVEYORS
PLANNERS

375 PARK AVE
COOS BAY
OREGON
97420

541.269.1166
FAX 541.269.1833
CELL 541.404.3791
rnored@hge1.com

Richard D. Nored, P.E.
Joseph A. Slack, A.I.A.
Russ Dodge, PLS
Stephen R. Cox

November 11, 2005

City of Brookings
898 Elk Drive
Brookings, OR. 97415

Attn: Don Wilcox, P.E.
Public Works Director

Re: Pacific Terrace
Water Reservoir Retaining Wall.
Project No. 05.02

Dear Don:

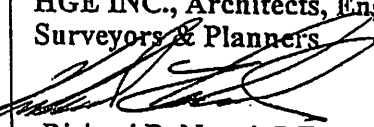
We have reviewed the structural calculations provided for the retaining wall for the water reservoir on Pacific Terrace, as provided by David J. Gowers, P.E.. This design appears adequate if the assumptions are correct. At this point, there is no approved design for the reservoir site, and no contour information is available for verification of wall height that might be required. We also have no plan view of the wall, no site design to indicate how the wall is intended to be constructed, no bearing values provided by the geotechnical consultant, and no elevations for the wall. These are all necessary, and certainly the bearing values should be a significant input value for the computer program.

If the bearing values are inputted into the program, the retaining wall may be adequate. However, before construction is authorized, we should have a completed design for the site.

Please contact me if you have any questions or concerns in this regard. We appreciate the opportunity to be of assistance to the City of Brookings.

Very truly yours,

HGE INC., Architects, Engineers,
Surveyors & Planners


Richard D. Nored, P.E.
President

- c. Dale Shaddox, City Manager
Ed Wait, Community Development Director
John Bischoff, Planning Director
John Cowan, Public Works Supervisor
LauraLee Gray, Building Official

RECEIVED
NOV 14 2005
CITY OF BROOKINGS
COMMUNITY DEVELOPMENT

RECEIVED

NOV 16 2005

CITY OF BROOKINGS
COMMUNITY DEVELOPMENT

Bruce Bros. Inc.
P.O. Box 61
Brookings, OR 97415
CCB # 108497 (541) 469-9210

City of Brookings
Public Works Department- Director Dan Wilcox PE
898 Elk Drive
Brookings, OR 97415

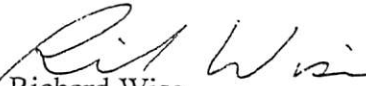
November 15, 2004

RE: Pacific Terrace PUD- water tank site/retaining wall

Dear Dan Wilcox,

In response to our September 29, 2005 site plan submittal, for which we have received a hastened review from HGE, we call your attention to the numerous attachments to this letter. These stamped received copies of engineering and geotechnical specifications have all previously been delivered to the City. At your request, and to assist in expediting the file review as ~~2 months were lost by this site plan file being misplaced~~ by staff, I have tagged and identified each item in numeric response, as requested. The foundation footings have yet to be poured, and the tank is to be assembled by a crew from the Aquastore NW, our responsibility is for the foundation only. However, the out of town crew requires a week notice to arrange scheduling, in addition to cure time for the concrete. Although in our meeting this morning, we discussed the procedure of repackaging each submittal and attaching all pertinent information, the fact remains that ALL of the information now being assembled and collated for your convenience in response to Richard Norad's review comments, is on file within the City Planning and Public Works Departments. As such, these delays continue to accrue a monetary loss on our behalf. Such delay requires our continued payment on interest and funding costs, expenses which are not recovered.

In summary, we expect this review to be accorded all the potential expedience possible.


Richard Wise
Office Administrator

Bruce Bros. Inc.
P.O. Box 61
Brookings, OR 97415
CCB # 108497 (541) 469-9210

RECEIVED
NOV 15 2005
CITY OF BROOKINGS
COMMUNITY DEVELOPMENT CM

City of Brookings, City Manager
Planning and Building Department
898 Elk Dr.
Brookings, OR 97415

November 15, 2005

RE: File No. PUD-01-04
PACIFIC TERRACE

Dear Mr. Dale Shaddox,

Last week we hopefully ended the confusion regarding which submittal requests due from last weeks site plan review meeting. To follow up, we inquired the status of approval with an email which was sent and responded to regarding the review of calculations for a retaining wall located at the north east corner of the subdivisions roadway. The engineering for this request, as required by LauraLee, was originally delivered and discussed at site plan on September 29, 2005. The discussion at site plan is the subject of the attached letter to acting City Manager Paul Hughes. LauraLee was able to locate the calc's last Wednesday, and we are now informed the submittal has finally been forwarded to HGE, with review pending. The retaining wall is incorporated into the construction surrounding the water tank site. The resulting delay is exasperated, as the tank has arrived for assembly, and the foundation is incomplete. The tank, please recall, was also an issue of recent discussion, as the color of the tank was requested to be changed in the coarse of notification that the original tank was scheduled for fabrication. We had attempted to avoid such change orders, delays and complications by delivering a copy of the tank contract for city review and approval prior to executing the agreement with the manufacturers. These issues we summarize to document the hardships imposed upon our company and created by staff, we do not speculate as to the underlying cause.

Please accept this letter as our humble request to meet and discuss the remaining unresolved items pending City business. These issue are the broken water line claim, for which the City's insurer has denied coverage. We also desire a review and advance notification via punchlist of items necessary to deem phases of construction within the subdivision complete. We believe this a more prudent approach to conducting business and preferable to the custom of the staff withholding permits or approvals for unrelated issues for which such linkage is inappropriate.

Thank you in advance for your attention to these matters. We look forward to your response.

Respectfully,


Richard Wise
Office Administrator

orig: Dale
cc: DON
Ed



City of Brookings

898 Elk Drive, Brookings, OR 97415
(541) 469-2163 Ext. 206
FAX (541) 469-3650

PERMIT NUMBER

B05-115

NOT

BUILDING, PLUMBING, MECHANICAL PERMIT APPLICATION

APPLICANT TO COMPLETE NUMBERED SPACES ONLY

DATE

REC'D

09/20/05

JOB ADDRESS

1055 Mineral Hill Loop

DATE

ISSUED

10/1

TAX LOT NO.

1700

MAIL ADDRESS

P.O. Box 61

ZIP

PHONE

661 544

REG. NO.

PLUMBER

REG. NO.

ELECTRICIAN

REG. NO.

☐ ALTERATION ☐ REPAIR ☐ MOVE ☐ REMOVE ☐ OTHER

High & TALL WALL

City of Brookings
8 Elk Dr
Brookings, OR 97415
(541) 469-2163

Receipt No: 1.011983

Dec 08, 2005

RUCE BROS

Building Fees/Taxes
B-05-115 146.50
Building Fees/Taxes
Surcharge 10.26
Building Fees/Taxes
Plan Review 95.23
Total: 251.99

Check
Check No: 9501 251.99
Total Applied: 251.99
Change Tendered: .00

12/08/05 09:47am

NO. OF
BUILDING UNITS

TAX.
ACC. LOAD

YES
UNCOVERED

5

FEE

\$

\$

FEE

TOTAL FEE

\$

FEES

BUILDING PERMIT

146 50

SUR CHARGE

10 26

PLAN REVIEW

95 23

MECHANICAL PERMIT

SUR CHARGE

PLUMBING PERMIT

SUR CHARGE

WATER SERVICE

WATER METER

CONSTRUCTION WATER

SEWER SERVICE

SYSTEMS DEVELOPMENT

TOTAL ALL SUR-CHARGE

10 26

TOTAL

251 19

PERMIT VALIDATION

CK.

M.C.

CASH

I HEREBY ACKNOWLEDGE THAT I HAVE READ THIS APPLICATION AND THAT THE ABOVE IS CORRECT. I AGREE TO COMPLY WITH ALL APPLICABLE CITY ORDINANCES AND/OR STATE LAWS, AND MY STATE REGISTRATION IS IN FULL FORCE AND EFFECT.

X

SIGNATURE OF OWNER, CONTRACTOR OR AUTHORIZED AGENT

APPROVED BUILDING OFFICIAL

bruce bros inc

From: "Donald Wilcox" <dwilcox@brookings.or.us>
To: "bruce bros inc" <brucebrosinc@charter.net>
Cc: "Dale Shaddox" <dshaddox@brookings.or.us>; "Ed Wait" <ewait@brookings.or.us>; "LauraLee Gray" <lgray@brookings.or.us>; "John Cowan" <jcowan@brookings.or.us>
Sent: Thursday, December 08, 2005 11:32 AM
Subject: RE: bruce bros water tank

Richard,

I have contracted HGE to perform all inspection with a local inspector (other than building inspections) and manage this project for the City. I have forwarded all of our files to HGE and they should now receive all submittals from you directly (with a copy to Planning). This should catch-up and streamline permitting for this project.



Donald Wilcox, PE
 Public Works Director
 City of Brookings, OR
 Phone: 541.469.1151
 Fax: 541.469.3650

-----Original Message-----

From: bruce bros inc [mailto:brucebrosinc@charter.net]
Sent: Wednesday, December 07, 2005 9:38 AM
To: Donald Wilcox
Subject: bruce bros water tank

Good Morning Don,
 yesterdays meeting and discussion with Richard Norad wrapped up the retaining wall approval around the tank, but Dick believes he has not seen any tank engineering. Please ensure or forward the 25 page submittal, date stamped Sept 30, 2005, titled Enginnered Storage Products Company. This document I believe has all of the piping and footing details I was unable to qualify yesterday with certainty.

Thank you
 Richard Wise



ARCHITECTS
ENGINEERS
SURVEYORS
PLANNERS

375 PARK AVE
COOS BAY
OREGON
97420

541.269.1166
FAX 541.269.1833
CELL 541.404.3791
nored@hge1.com

Richard D. Nored, P.E.
Joseph A. Slack, A.I.A.
Russ Dodge, PLS
Stephen R. Cox

December 6, 2005

City of Brookings
898 Elk Drive
Brookings, OR 97415

Attn: Ed Wait
Community Development Director

Re: Pacific Terrace PUD
On-Site Improvements
Project No. 05.02

Dear Ed:

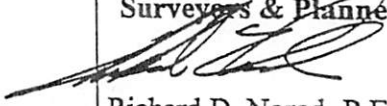
We have discussed the proposed retaining walls with Bruce Bros. and with Dale Shaddox. The plans are silent for location and height of both these walls. However, Bruce Bros. indicates that the wall will be a consistent 8' height in conformance with the structural section for retaining walls that was submitted. Location surrounding the reservoir will be at a diameter of 51'-0" from centerline of the reservoir, and at the approximate length indicated on the plans. There is also a straight section from the end of the curved wall towards Izaiha Drive, and a section parallel to Izaiha Drive that extends Westward to the point where the wall is no longer necessary. This section will also be the identical 8'-0" section of retaining wall.

We have searched our records and have been unable to locate the Aquastore drawings for the reservoir. However, every review has commented on the lack of site piping to be constructed under and adjacent to the reservoir. There should be a drain, inlet, outlet, and overflow provided on the reservoir, and we have not yet reviewed the design. State Human Services requirements provide that the inlet or outlet be near the top of the reservoir, with the other of the two located at the bottom of the reservoir, and with each located 180 degrees from each other. This is to maintain water quality in the reservoir, and the requirement should be adhered to. Normal shop drawings for the reservoir would not provide for site piping, and we need to make certain that the construction incorporates these requirements, or construction will become very costly. Richard Weiss indicated that the slab was ready to be poured, so John Cowan needs to review the slab carefully, and potentially e-mail some pictures to make certain that the reservoir will be constructed properly.

If you have any questions in this regard, please contact me. We appreciate the opportunity to be of assistance to the City of Brookings.

Very truly yours,

HGE INC., Architects, Engineers,
Surveyors & Planners


Richard D. Nored, P.E.
President

c. Dale Shaddox, City Manager
Don Wilcox, P.E., Public Works Director
John Bischoff, Planning Director
John Cowan, Public Works Supervisor
Laura Lee Gray, Building Official



ARCHITECTS
ENGINEERS
SURVEYORS
PLANNERS

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97420

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CELL 541.404.3791
nored@hge1.com

Richard D. Nored, P.E.
Joseph A. Slack, A.I.A.
Russ Dodge, PLS
Stephen R. Cox

December 8, 2005

City of Brookings
898 Elk Drive
Brookings, OR 97415

Attn: Ed Wait
Community Development Director

Re: Pacific Terrace PUD
On-Site Improvements
Project No. 05.02

Dear Ed:

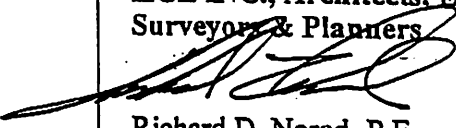
We have reviewed reservoir plans for the Pacific Terrace project, including site piping inside and immediately adjacent to the reservoir. In general, it can be interpreted that these lines will connect to facilities shown on the site plans, and it is critical that the following additions or potential modifications be completed before the floor is poured, as it will be very difficult once the concrete is installed.

1. The inlet to the reservoir should be 8" ductile iron, extending to within 4'-0" of the water surface. The piping through the floor must be extended high enough that the vertical riser can be connected above the concrete. Inlet piping should be installed similar to the detail provided for the overflow. In addition, support must be provided for the vertical riser, with bracing tied to the bolts in the reservoir wall. The supports should be stainless or galvanized, and must be sufficient to hold the upright in place.
2. The outlet to the reservoir should be 8" ductile iron, extending 6" above the floor of the concrete slab. This allows for collection of any debris and containment in the reservoir.
3. The drain should be cut flush with the concrete slab to allow for draining of all the water from the reservoir. Overflow piping should be 8", and support must again be provided for the vertical riser, with bracing tied to the bolts in the reservoir wall. Supports should be stainless or galvanized, and must be sufficient to hold the upright in place. A stainless funnel (glory hole) should be installed on top the overflow to direct flow into the overflow piping.
4. The combined drain and overflow should be connected to the underground storm drainage system extending to Marina Heights. We would suggest that a 12" pipe be extended for drainage purposes.
5. Valving should be provided 5'-0" outside of the reservoir walls on both the inlet and outlet pipes to provide a means of shutting the water down at the reservoir in case of an emergency.

If you have any questions in this regard, please contact me. We appreciate the opportunity to be of assistance to the City of Brookings.

Very truly yours,

HGE INC., Architects, Engineers,
Surveyors & Planners


Richard D. Nored, P.E.
President



ARCHITECTS
ENGINEERS
SURVEYORS
PLANNERS

375 PARK AVE
COOS BAY
OREGON
97420

541.269.1166
FAX 541.269.1833
TELL 541.404.3791
rnored@hge1.com

Richard D. Nored, P.E.
Joseph A. Slack, A.I.A.
Russ Dodge, PLS
Stephen R. Cox

December 23, 2005

City of Brookings
898 Elk Drive
Brookings, OR 97415

Attn: Ed Wait
Community Development Director

Re: Pacific Terrace PUD
On-Site and Off-Site Improvements
Project No. 05.02

RECEIVED
DEC 27 2005
CITY OF BROOKINGS
COMMUNITY DEVELOPMENT

Dear Ed:

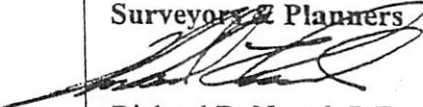
We completed a site survey of construction which has been completed to date, on December 20, in a field visitation with John Cowan. In accordance with direction from your office, we have also directed Dennis Barlow to begin inspection of public works construction for this project. The following issues of construction, which is not in accordance with construction plans and good construction practice, was discussed with Josh Bruce and will require corrective action:

1. The inlet to the reservoir is not provided at 180 degrees to the outlet as discussed in plan reviews.
2. Rebar for the reservoir foundation does not provide clearance for protection from the gravel below the foundation wall. Rebar needs to be raised in accordance with approved construction details.
3. Rebar is above the foundation for the reservoir, and all of the internal piping seems to have been set too low for the planned bottom elevation of the reservoir. In addition, the exposed rebar may be too high for proper placement in the bottom of the reservoir.
4. Offsite drainage is planned to drain down Old County Road. Drainage down Old County Road has not been installed, and water is crossing the road onto private property. Construction of improvements needs to be completed to eliminate potential damage to adjacent properties.
5. Detention ponds are not functioning at this point. The outlet controls are not installed, and storm flows are moving through the ponds, creating the potential for damage to adjacent properties.
6. None of the sanitary sewers have been completed, tested, or approved at this time.

If you have any questions in this regard, please contact me. We appreciate the opportunity to be of assistance to the City of Brookings.

Very truly yours,

HGE INC., Architects, Engineers,
Surveyors & Planners


Richard D. Nored, P.E.
President

Bruce Bros. Inc.
P.O. Box 61
Brookings, OR 97415
CCB # 108497 (541) 469-9210

RECEIVED
JAN 20 2006 CM
CITY OF BROOKINGS
COMMUNITY DEVELOPMENT
January 20, 2006

City of Brookings
898 Elk Dr.
Brookings, OR 97415

Attn: Don Wilcox, Brookings Public Works Director

RE: Water Meter, Lot 2/3 Zoe Drive
PUD-1-04 Pacific Terrace P.U.D.

Gentlemen,


This letter purpose is to follow up on the visit to your office to inquire as to the reason repeated requests for installation of two water meters have been denied installation, for lot 2 and lot 3, Zoe Drive, respectively. Proper permits and fees paid from November 2005 records show office staff had indeed placed work order requests in normal procedural channels through to the Public Works department. I appreciate your making an immediate inquiry into the file. It appears that yet again, whether for discriminatory, retaliatory or otherwise ineptness, while senior staff informs us there are not problems, still we are the recipients of impaired service. This letter shall also serve as an acknowledgement of receipt of two HGE Engineering letters, concerning ongoing work at the subdivision, dated December 5 and December 6, 2005. The December 6 memorandum is specific to the construction of the water tank at the site. While we are aware of the content of the letter via direct phone conversation with Richard Nored at HGE, it bears to point out once again the delay caused by failure of timely review of submittals, delivered in September yet not forwarded or otherwise lost, has caused the missing of the opportunity to complete this prior to the onset of poor weather, rescheduling of out of area engineers, and completion delays. This late review has caused field changes and the necessity to redo the project twice. We have now reformed all the footings and inlet piping, as recommended by engineering staff review.

I also will utilize this letter to address the December 5 letter from HGE, whereas a number of general and specific bullet points seem to be tirelessly reiterated. Namely, ownership of utilities is not an item needing to be readdressed every month by the staff or consulting engineer in an unending apparent attempt to strong arm our company into changes agreed to and acted upon at the Planning Commission, nor is it appropriate in our opinion to refer to these potential bargaining chips "as a condition of plan approval". Plan approval is a clearly defined process of review which removes the discretionary decision making and this project has already been approved! To date, with staff notification in advance, we have performed field inspections supervised by TJ Bossard PE and Donald Hoag PE, testing the storm and sewer lines and delivered stamped

verification of same. Only the completion of the water tank and related installation of the pressure reducing vault for the third high pressure loop remain incomplete, and final paving of roads will continue when weather conditions permitting.

Please forward this letter for a response and outline any other unaddressed or unidentified issue, we wish to resolve these items prior to the need for them to become negotiation points further delaying final completion of other pending projects.

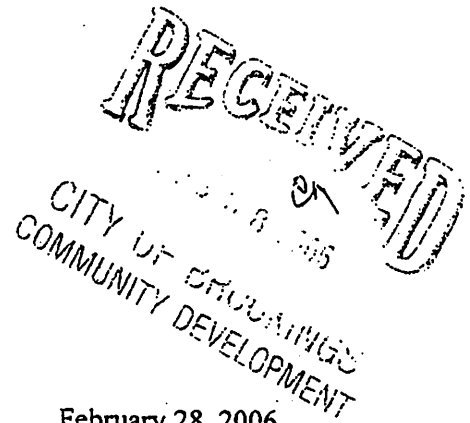
Respectfully,


Richard Wise
Office Administrator

Cc: TJ Bossard Inc
Dale Shaddox-City Manager

RECEIVED
JAN 20 2006
CITY OF BRUUKING'S
COMMUNITY DEVELOPMENT

Bruce Bros. Inc.
P.O. Box 61
Brookings, OR 97415
CCB # 108497 (541) 469-9210



City of Brookings
c/o Public Works Manager Don Wilcox
898 Elk Drive
Brookings, OR 97415

February 28, 2006

RE: Pacific Terrace PUD 01-04

Dear Mr. Wilcox,

In accordance with our previous meetings and discussions regarding ongoing improvements at the subdivision, attached find the engineers concrete strength testing report for the foundations and footings poured for the water tank on site at Pacific Terrace. I have also included the Stuntzner Surveying and Engineering performed site calculations prepared and forwarded to the project engineer, TJ Bossard for incorporation into the final as-builts. Joshua informs me that the City Engineer, City Manager and yourself visited the project and conversed with Mr. Bruce. The drainage off site was again the topic of some discussion, and in review of my records from 2005, I find notes that the drainage study requested by HGE was completed 17-Feb-2005 and delivered directly to HGE from the project engineers' office. I have provided another copy with this report so the study may be on file at public works locally. Freeman Contracting has been predisposed on the 101 ODOT Chetco Ave public works improvements so we have undertaken many corrections ourselves. Joshua informs me that after Dale and Don left the jobsite, Mr. Nored and Josh spoke further about the culvert drainage pipe on Old County Road. At the conclusion of our last meeting a 45 degree angle was discussed and agreed to be attached to the outflow point of the pipe, as the weather was cooperative yesterday in providing discharge from this pipe, the flow direction of the pipe was inspected and determined to be correctly aligned, and installation of the correction following Joshua's further discussion and direction from Mr. Nored at HGE later today will be installed today with the direction angle or additional rip-rap providing the best dissipation method for the discharge pipe.

Thank you for your continued assistance in completion of this project.

Richard Wise
Office Administrator

copy



Oscar Larson & Associates

- Engineers
- Land Surveyors
- Environmental Scientists

☐ 317 Third Street
 P.O. Box 3806
 Eureka CA 95502-3806
 707-445-2043 phone
 707-445-8230 fax
 e-mail: olarson@northcoast.com

X 1148 Harrold Street
 P.O. Box 1800
 Crescent City CA 95531
 707-464-9788 phone
 707-464-9791 fax
 707-951-7559 pager
 e-mail: olarson@cc.northcoast.com

website: <http://www.northcoast.com/~olarson>

TRANSMITTAL

TO: <i>Bill Yorum</i>	Date: <i>2/23/06</i>
<i>Freeman Rock</i>	Job No.: <i>30693</i>
	Reference:
	VIA:
	<input type="checkbox"/> Messenger <input type="checkbox"/> Fax No.: <i>469-0247</i>
SUBJECT JOB:	<input type="checkbox"/> Mail <input type="checkbox"/> e-mail:
	<input type="checkbox"/> UPS <input type="checkbox"/> FedEx <input type="checkbox"/> Other:
SUBMITTED HEREWITH:	FOR ACTION INDICATED: <input checked="" type="checkbox"/> per your request
<i>28-day compression testing</i>	<input type="checkbox"/> return signed/executed document to this office
<i>on samples received 1/27/06</i>	<input type="checkbox"/> for your comment or report <input type="checkbox"/> call me
	<input checked="" type="checkbox"/> for your information <input type="checkbox"/> for your action

REMARKS:

THANKS!

copy to:

By: *[Signature]*

OSCAR LARSON & ASSOCIATES
1146 Harrold, P.O. Box 1600, Crescent City, CA, 95531
Tel: (707)464-9788, Fax: (707)464-9791

CONCRETE COMPRESSION TEST RESULTS (ASTM C39)

Client: Freeman Rock				JN: 30693	
Contractor: Bruce Bros.					
Project: Pacific Terrace Lot #1					
Work Area: NR					
Material Supplier: Freeman Rock			Batch Ticket #: NR		Truck #: NR
Load Number: NR	Load Volume: (cuyd)	NR	Volume Prior to Sampling: (cuyd)	NR	Expected Pour Volume for the Day: (cuyd) NR
Concrete Mix Number: Lightweight		Expected 28-day Design Strength: (psi)		4,000	Sample Date: 1/26/06
Sampled By: Bill Yocum		Time Sampled: NR		Sample Method: NR	

Client's Specimen Number:
OLA Specimen Number:

#1	#2	#3			
1094A	1094B	1094C			

Field Data:

Date Cast:
Slump, inches:
Design Strength, psi:
Temperature - Air, F:
Temperature - Mix, F:
Temperature - Field Cure, Min, F:
Temperature - Field Cure, Max, F:
Air Content, %
Unit Weight, pcf

1/26/06	1/26/06	1/26/06			
6.00	6.00	6.00			
4,000	4,000	4,000			
NR	NR	NR			
55.2	55.2	55.2			
NR	NR	NR			
NR	NR	NR			
NR	NR	NR			
NR	NR	NR			

Laboratory Data:

Date Tested:
Time Tested:
Age, days:
Nominal Diameter, inches:
Cross Sectional Area, sq. in.:
Length of the Specimen, inches:
Length Divided By Diameter L/D:
Ultimate Load, lbf:
Compressive Strength, psi:
Compressive Strength, Mpa:
Fracture Type:

Note 3

Note 3

2/2/06	2/23/06	2/23/06			
8:01	8:32	8:26			
7	28	28			
4.000	4.000	4.000			
12.566	12.566	12.566			
NA	NA	NA			
NA	NA	NA			
49,090	68,660	67,020			
3,910	5,460	5,330			
26.9	37.7	36.8			
Type 4	Type 4	Type 4			

Notes:

- NR= Not recorded or unknown
- NA= Not applicable.
- Length shown if outside the range of 1.8 D to 2.2 D. Otherwise NA.
- ASTM C39 Specifications requires reporting strength to nearest 10 psi (0.1 Mpa).
Results of this test apply to samples delivered (27 January 2006) to Oscar Larson & Associates by the Client or Client's representative. No verification of sample origin was made nor shall be implied from this report.



City of Brookings
898 Elk Drive
Brookings, Oregon 97415

HGE Architects, & Planners
375 Park Avenue
Coos Bay, OR 97420

Bruce Bros., Inc.
207b Wharf Street
Brookings, Oregon 97415

February 6, 2006

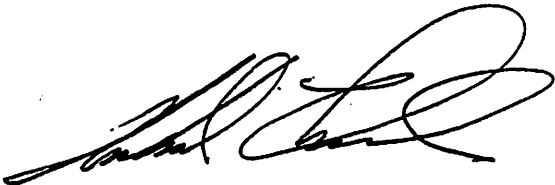
Report # 1

Footings for water tank on Marina Heights have been poured.

February 10, 2006

Report # 2

The contractor that is building the water tank has installed the foundation sheet with the gray and bentonite seals, so today Josh poured 35 ½ yards of 4,000 # concrete for the slab.



INSPECTED BY: Dennis Barlow for HGE, Inc.
HGE, Inc., Architects, Engineers, Surveyors & Planners
375 Park Avenue, Coos Bay, Oregon 97420



DISTRIBUTION: Bruce Bros., Inc.
City of Brookings

City of Brookings
898 Elk Drive
Brookings, Oregon 97415

HGE Architects, & Planners
375 Park Avenue
Coos Bay, OR 97420

Bruce Bros., Inc.
207b Wharf Street
Brookings, Oregon 97415

February 15, 2006

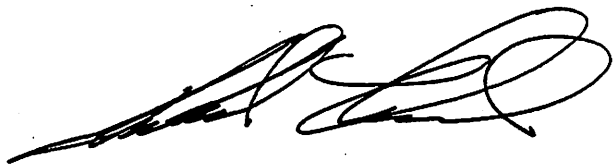
Report # 3

Today the crew from Aquastore NW, Inc., installed 26 of 33 roof panels, they also have one of 5 rows of the wall panels up.

February 16, 2006

Report # 4

Today the crew from Aquastore NW, Inc., installed the last 7 roof panels to complete the roof section, then they bolted the stair sections together to be installed later. Also installed wind lace clip-on sealer on to each section of roof on the inside.



INSPECTED BY:

Dennis Barlow for HGE, Inc.
HGE, Inc., Architects, Engineers, Surveyors & Planners
375 Park Avenue, Coos Bay, Oregon 97420



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HGE Architects. & Planners
375 Park Avenue
Coos Bay, OR 97420

Bruce Bros., Inc.
207b Wharf Street
Brookings, Oregon 97415

February 21, 2006

Report # 1

Today the crew from Aquastore NW, Inc., installed the third and fourth sections of panels and one more section of the ladder.

February 22, 2006

Report # 2

Today Aquastore NW, Inc., installed the fifth section of wall panels and 7 sections of the sixth row, then installed the last lower section to the ladder.

February 23, 2006

Report # 3

Today Aquastore NW Inc., installed the last four panels of the sixth's row and removed the jacks and started the cleanup.

INSPECTED BY:

Dennis Barlow for HGE, Inc.
HGE, Inc., Architects, Engineers, Surveyors & Planners
375 Park Avenue, Coos Bay, Oregon 97420



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City of Brookings

City of Brookings
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Brookings, Oregon 97415

HGE Architects, & Planners
375 Park Avenue
Coos Bay, OR 97420

Bruce Bros., Inc.
207b Wharf Street
Brookings, Oregon 97415

March 29, 2006

Report # 7

Today Freeman Contracting, Inc., vacuumed and tested 9 manholes, they all passed the vacuum test but manhole # 8 is in a driveway that is not yet to grade.



INSPECTED BY:

Dennis Barlow for HGE, Inc.
HGE, Inc., Architects, Engineers, Surveyors & Planners
375 Park Avenue, Coos Bay, Oregon 97420



DISTRIBUTION:

Bruce Bros., Inc.
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City of Brookings
898 Elk Drive
Brookings, Oregon 97415

HGE Architects, & Planners
375 Park Avenue
Coos Bay, OR 97420

Bruce Bros., Inc.
207b Wharf Street
Brookings, Oregon 97415

February 28, 2006

Report # 4

Aquastore NW, Inc., continued doing cleanup and installing anodes for cathodic protection and installing overflow pipe.

March 1, 2006

Report # 5

Tank is cleaned out overflow pipes strapped and in place. Hatch cover is installed but not bolted down yet.

March 2, 2006

Report # 6

Today the contractor cleaned out and did more rip-rap on the outlet end of the pipe that crosses Old County Road. Re-directed the outlet water into the original ditch line.

INSPECTED BY:

Dennis Barlow for HGE, Inc.
HGE, Inc., Architects, Engineers, Surveyors & Planners
375 Park Avenue, Coos Bay, Oregon 97420



DISTRIBUTION:

Bruce Bros., Inc.
City of Brookings

bruce bros inc

From: "bruce bros inc" <brucebrosinc@charter.net>
To: "Max Marcott" <mmarcott@aquastorenw.com>; "Tim Bossard" <office@tjbossard.com>
Cc: "Don Wilcox" <dwilcox@brookings.or.us>; "Dale Shaddox" <dshaddox@brookings.or.us>
Sent: Wednesday, March 15, 2006 10:04 AM
Subject: Latest letter from City of Brookings

March 15, 2006

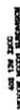
Dear Tim and Max,

In your fax machines we have forwarded the most recent coorespondence received from the City of Brookings, via Richard Norad PE, City Engineer with HGE. Please also be aware the City has placed a cease and desist stop work order with regard to the public water systems and water tank assembly at this project. We have followed every instruction to implementation in the field and lack comprehension of the details to satisfy their requests. I have delivered every document forwarded to our offices to the Public Works department. We are not engineers and must plea to your respective firms to coordinate and produce whatever format of submittal required to secure the City's final approval. (TJ) Please consider this our formal request that you contact Mr. Norad directly at 541-269-1166, and produce or incorporate into a restated submittal and resolve these items with the City Engineer, or respond if there is a professional disagreement. We have the field crews standing by to complete construction on this project. Any assistance I can offer here locally or as a contact with Public Works, I am available 24/7.

Richard Wise
For Bruce Bros.

EXHIBIT 8

LOCATED IN SW 1/4 OF THE SW 1/4 SECTION 32, 140S, 155W,
TAX LOT 1500, CURRY COUNTY, OREGON ZONING SR-20



LOT SIZE - 14,196 SQ. FT.

[illegible]

CLIENT:
SERVICE ENGINEERS
P.O. BOX 4
BROOKINGS, OR 97419
(503) 861-2544

ENGINEER:
T.J. BOSLAND, INC.
180 N. D STREET
SEASIDE PARK, OR 97138
(503) 471-8774
FAX (503) 471-4004

SURVEYOR:
STANTON ENGINEERING
AND FORESTRY, LLC
1201 NORTH CENTERS AVE
BROOKINGS, OR 97418
(503) 464-8834

SURVEYOR:
 HUNTER ENGINEERS
 AND FORESTRY, L.L.C.
 1100 SHOPPING CENTER AVE
 BROOKFIELD, CT 06804
 (410) 464-8824

PLAT MAP
SCALE 1:100

PACIFIC TERRACE P.U.D. ON SITE IMPROVEMENTS PLAT MAP BRUCE BROTHERS BROOKINGS, OREGON 97514		DRAWING 12-31-05 AWP 60-1-02, T. 11000	1 OF 1 SHEET
		T. J. BOSSARD, INC. Civil & Structural Engineering 123 N.W. "D" Street Grants Pass, OR. 97526 TEL: (541) 475-8774 FAX: (541) 475-0064	
DATE: 1/27/85 SCALE: AS NOTED CHECKED BY: TJB DRAWN BY: TJB	MAIN BT: 08		

+ 3 full size

RECEIVED

JUL 11 2005

CITY OF BROOKINGS
COMMUNITY DEVELOPMENT

CITY OF BROOKINGS PLANNING COMMISSION
STAFF AGENDA REPORT

SUBJECT: PUD/Subdivision, Minor Change
FILE NO: PUD-1-04/MC-1
HEARING DATE: August 2, 2004

REPORT DATE: July 15, 2005
ITEM NO: 8.2

GENERAL INFORMATION

APPLICANT: Bruce Brothers, LLC.

REPRESENTATIVE: Richard Wise.

REQUEST: A minor change to the approved Planned Unit Development/Subdivision to add an one residential lot, realign the private road to enter in its presently approved location but to exit onto Marina Heights Loop, keeping the one-way loop; and also requesting a change in the side yard setback requirements from those of the SR-20 Zone to those of the R-2 Zone.

TOTAL LAND AREA: 13.43 acres (584,961 sq. ft.).

LOCATION: On the east side of Old County Rd. and Marina Heights Rd. with the northerly boundary adjacent to the city limits line. A portion of the site is located north of the city limits.

ASSESSOR'S NUMBER: 40-13-32CC, Tax Lot 1500 and 1700 and a portion of Tax Lots 300, Assessor's Map 40-13-32C.

ZONING / COMPREHENSIVE PLAN INFORMATION

EXISTING: SR-20 (Suburban Residential, 20,000 sq. ft. minimum lot size).

PROPOSED: Same.

SURROUNDING: West across Old County Rd.-R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size); South and East-SR-20; North-County R-2.

COMP. PLAN: Residential both in and out of the city.

LAND USE INFORMATION

EXISTING: Vacant except for Tax Lot 1700, which contains a single family house.

PROPOSED: A 28 lot Planned Unit Development.

SURROUNDING: Single family homes both within and out side of the city and scattered vacant lots.

PUBLIC NOTICE: Mailed to all property owners within 250 feet of subject property and published in local newspaper.

BACKGROUND INFORMATION

The Planning Commission approved a Planned Unit Development/Subdivision on the subject property on July 6, 2004, and approved an one year extension for the project at its July 12, 2005 meeting. The approved project consists of 28 lots over a portion of four tax lots, a private road that enters the property just north of the city limits, splits into a one-way loop with a short two-way section to the southeast that connects to an easement that was to be gated for use as an emergency access. The lots within the project are building envelope type lots that are located on the flatter areas of the property leaving the steeper slopes as common area with a walking trail. (See Exhibit 2).

The subject property is a 13.43± acre, irregular shaped parcel of land located on the easterly side of Old County Rd. and Marina Heights Rd. and adjacent to the northerly city limits. The property consists of two whole Tax Lots and a portion of one other. A 3,500 sq. ft. portion of the property that extends north of the city limits adjacent to Old County Rd. has been lot lined into Tax Lot 1500 and annexed to the city. A 21-foot wide strip extends completely across the northerly boundary from Old County Rd. has been lot line adjusted into Tax Lot 1500 and annexed into the city. Another small, 2,940 sq. ft. lot line adjustment and annexation was also created on the westerly side of Tax Lot 1700.

The subject property has 635.43 feet of frontage on Old County Rd. and 773.26 feet of frontage on Marina Heights Rd. The southerly boundary extends northeasterly for 205.21 feet then turns slightly southeasterly for 91.77 feet to the easterly boundary. The easterly boundary extends generally north for 858.86 feet then turns northwest for 76.64 feet and then north again for about 21 feet to the south west corner of Tax Lot 1700. The boundary continues north along the west boundary of Tax Lot 1700 for 78.35 feet then along the northerly boundary for 167.70 feet to Marina Heights Loop Rd. and follows the road to the east for approximately 230 feet, then leaves the road to the southwest for 55 feet where it turns west for 131 feet then northwest for 219 feet back to the southwest corner of Tax Lot 1700, where the boundary extends west for 550.96 feet along the city limits line and then turns north for 35 feet the west again for 100 feet back to Old County Rd. The overall shape of the property is somewhat like that of a "T-bone steak."

Tax lots 300, 1500 and 1700 are in the city limits and are zoned SR-20 (Suburban Residential, 20,000 sq. ft. minimum lot size). The area to the north is also zoned county R-2. All of the area east of Old County Rd. is zoned SR-20 and the area on the west side Old County Rd. is zoned R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size). Tax Lot 1700 is the only parcel that is totally within the project area that contains a house. Tax Lot 300 also has a house on it but only a small portion of this lot is within the project area as will be explained below.

Topographically the subject property contains slopes that range from 12% to 40 or 50%, however, the geology report indicates that the portion of the site with the steepest slopes may not be quite so severe, that the heavy tree cover had distorted the topography.

The preliminary plat map, which was actually surveyed, does show slopes along the easterly and northeasterly boundary to range from 40 to 50%, although these areas are rather small. The general slope of the property is downward from east to west with the highest point being about 580 feet in the northeast corner and lowest point being 340 feet at the intersection of Old County Rd. and Marina Heights Rd. The northwest corner has an elevation of 360 feet and the southwest corner has an elevation of 380 feet. The property has three very small ridges that extend in an east/west direction with shallow valleys between them. The geological report

indicates that the southerly half of the property was subject to an "old deep-seated landslide feature" but goes on to say that there is a low risk that new movement will occur under the historic climatic and seismic conditions. Another small area of "potential instability" is located between the northerly and central ridges near the southeasterly boundary of Lots 10 and 11, above the proposed detention basin in an area of the property that is proposed to be common area. Old County Rd. is a paved travel way within a right-of-way that varies in width along its length where it borders the subject property, with a minimum of 50 feet. The conditions of approval for the original project required Old County Rd. to be improved to Hillside Collector standard of two 12 foot travel lanes and a four foot paved shoulder along the property frontage. Marina Heights Rd. is a paved travel way within a right-of-way that consists of 25 feet along the southwesterly side of the street and a 25-foot wide easement along the northerly side on the subject property, with no other improvements. The conditions of approval for the original project requires the applicant to dedicate sufficient land along the Marina Heights frontage to provide 25 feet of right-of-way from the center line and to file a Deferred Improvement Agreement for future improvements. The property also fronts on Marina Heights Loop, which is a county road with a paved travel way within a 50-foot right-of-way with no other improvements.

The applicant has completed or is in the process of implementing the required improvements to the streets and the extension of water and sewer mains. The applicant will build and dedicate to the city, a water tank located on the easterly end of Tax Lot 1700, which will be separated as a separate lot within the subdivision.

PROPOSED MINOR CHANGE

The applicant is requesting a minor change to the approved project to add one additional lot, realign the interior road to provide a second access point on Marina Heights Loop and to be allowed the setback requirement to be those of the R-2 (Two Family Residential) Zone rather than the underlying SR-20 Zone. The following is a description of each requested change:

Additional Lot

The originally approved project contained 28 building envelope lots including Tax Lot 1700, which currently contains a single family house. Through a lot line adjustment and subsequent annexation, 2,940 sq. feet of additional area was added to T/L 1700 and the applicant is proposing splitting T/L 1700 to create two lots and thus adding an one more lot to the total lots created by this subdivision. Both new Lots 25 and 29 will have 12, 932 sq. ft. and the lot that will be dedicated to the city for a tank site, Lot "A" will have 5,385 sq. ft.

New Street Alignment

As currently approved, the proposed private street enters the property from Old County Rd. through the 3600 sq. ft. parcel that was annexed to the city and then splits into a one way loop that circles through the center of the property. A short section of two-way street extends from the southerly most end of the loop to an easement that extends through adjoining property to Marina Heights Rd. This section serves as access to five of the lots but would not be used for ingress or egress and will be gated at its south end for emergency access only. The two-way sections of the new street will have a paved travel way of at least 24 feet and the one-way sections will have a paved travel way of 20 feet. Three spur roads extend a short distance from the main road to provide access to building lots and another spur is provided that terminates near

the center of the northerly boundary, and will eventually provide access to develop the lot to the north, Tax Lot 205.

The proposed change will provide a two-way street segment extending northeasterly from the northerly leg of the one-way loop between Lots 22 and 27 to provide access to Lots 24, 25, 26, and 29 and then through an easement over the northerly boundary of Tax Lot 300 to Marina Heights Loop. This section will be 24 feet in width as are the other two-way street segments. The spur extending north to T/L 205 will be eliminated by this design and the two-way segment that, in the original plan, extended southeast to the easement for an emergency access, will be shortened to provide the required 20 feet of access to Lot 16 only and thus will not extend to the existing easement. Lot 14 will be reconfigured to meet the end of this street segment for its access. The proposed changes in the street alignment will cause some of the proposed lots to be slightly reconfigured but not enough to be considered significant.

Change In Setback Requirements

The underlying SR-20 Zone requires a front and rear yard setback of 20 feet and side yard setbacks of 10 feet. There is no requirement to increase side yards with building height as the other residential zones do. The applicant is requesting the flexibility to provide the setback requirements of the R-2 (Two Family Residential) Zone, which are 20 feet for the front yard and 5 feet for the side and rear yard with side and rear yard setbacks increasing by ½ foot for each foot of building height over 15 feet. The maximum building height in both zones is 30 feet.

ANALYSIS

The conditional use and planned unit development of this project has already been reviewed and approved to allow the narrower private two-way and one-way street standards and the building envelope lots and thus will not be considered further. The three elements of the requested minor change are primarily related to the criteria that deal with traffic and circulation and the impact on the surrounding neighbors. This analysis will review each proposed change in regard to these criteria and how it fits with and/or changes the approved project.

Addition of One Lot

The original approval was for 28 residential building envelope lots and one lot which will be dedicated to the city and is the site of a new water tank to be constructed by the applicant. The redesign of the street system provided the opportunity to split Tax Lot 1700 by adding 2,940 sq. ft. to it through a lot line adjustment. The addition of one more lot will not have a significant impact on the internal street system or on the adjoining streets. The redesigned internal street provides a much better circulation system than the original, approved, design. The addition of one lot will not have a significant effect, either positive or negative, on the overall project or on the surrounding properties and does not exceed the density allowed by the underlying SR-20 Zone.

New Street Alignment

The proposed redesign of the internal private street system presents a substantially better circulation plan than that of the originally approved project. The original street system was essentially a closed loop with one point of ingress and egress and an emergency access point through an easement back to Marina Heights Rd. The redesigned street system provides for two

CITY OF BROOKINGS PLANNING COMMISSION
STAFF AGENDA REPORT

SUBJECT: PUD – Final Approval FILE NO: PUD-1-04 HEARING DATE: Sept. 20, 2005	REPORT DATE: Sept. 12, 2005 ITEM NO: 7.1
--	---

GENERAL INFORMATION

APPLICANT: Bruce Brothers, LLC

REPRESENTATIVE: Richard Wise

REQUEST: Final approval of a Planned Unit Development to establish 29 building envelope lots with a looped; one way private street and a separate lot to be dedicated to the City for a water tank site.

TOTAL LAND AREA: 13.9 acre

LOCATION: On the east side of Old County Rd. and Marina Heights Rd. with the northerly boundary adjacent to the City limits line.

ASSESSOR'S NUMBER: 40-13-32CC Tax lot 1500 and 40-13-32CA; Tax lot 1700

ZONING / COMPREHENSIVE PLAN INFORMATION

EXISTING: SR-20 (Suburban Residential, 20,000 sq. ft. minimum lot size)

PROPOSED: Same.

SURROUNDING: West across Old County Rd., R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size); South and East, SR-20; North-County, R-2.

COMP. PLAN: Residential.

APPLICABLE CRITERIA: Land Development Code – Ordinance No. 89-0-446
Section 176.070 Major Partitions and Subdivisions – Final Map or Plat Approval.

LAND USE INFORMATION

EXISTING: The property is currently vacant except for Tax Lot 1700, which contains a single family dwelling.

PROPOSED: A 29 lot Planned Unit Development

SURROUNDING: Surrounded by parcels with residential development.

PUBLIC NOTICE: Not required.

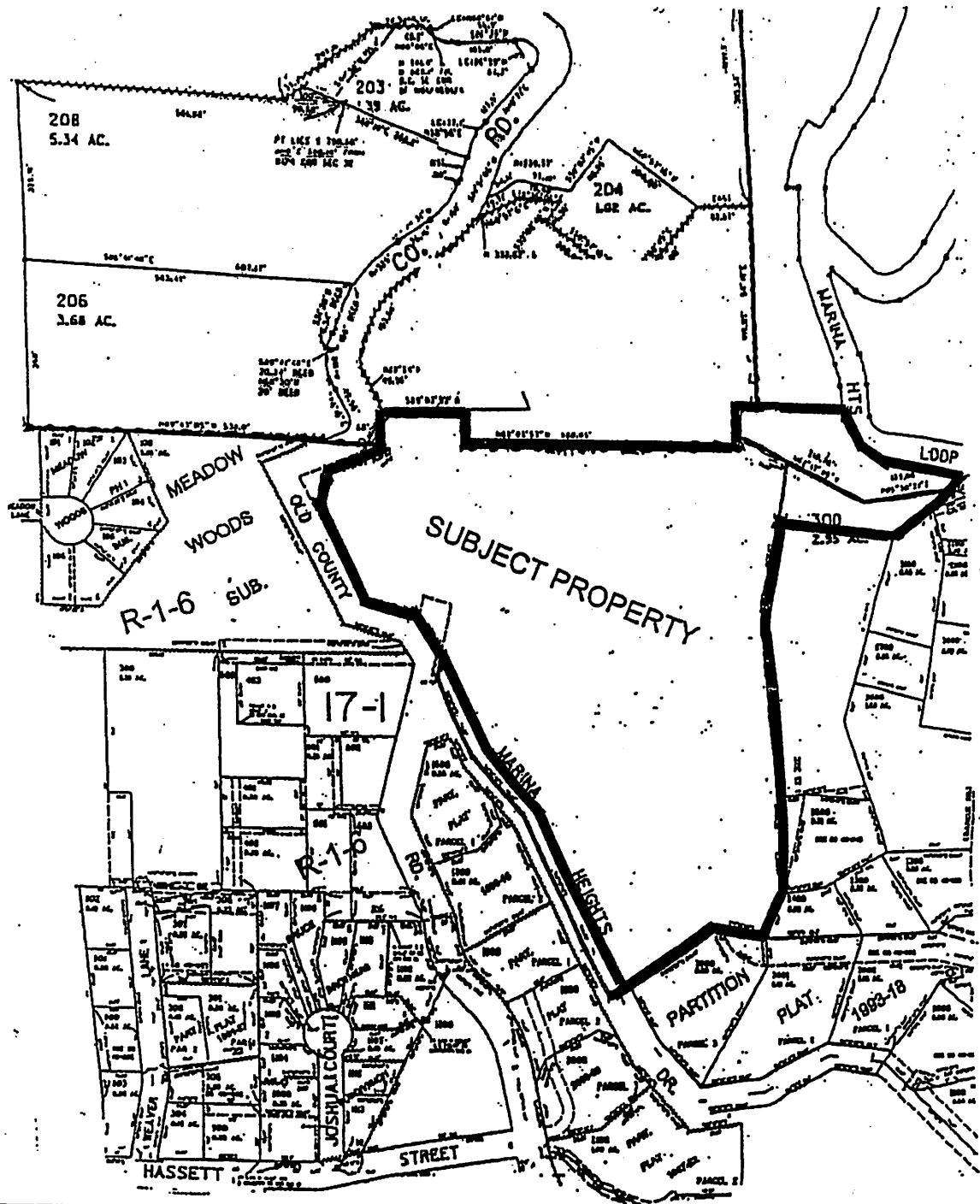
BACKGROUND INFORMATION

The subject Subdivision/ Planned Unit Development was approved by the Planning Commission on July 6, 2004 to create 28 building envelope lots and a new private street that contains a one way loop, as shown in the following Exhibits, and common areas to be owned by a Homeowners Association. Two small areas that are part of the PUD were located north of the City limits. Lot line adjustments added these areas to the subject property. An annexation request to include these areas in City limits was heard by the Planning Commission on August 2, 2005. The City Council approved the annexation in their Sept. 12, 2005 meeting. In addition there was a minor change request to add one residential lot, realign the private road to change the exit to Marina Heights and change side yard setback requirements for some of the internal lots. These were approved in a Planning Commission meeting on August 2, 2005. There are now a total of 29 building envelope lots shown on the plat. The PUD will be subject to the Conditions, Covenants and Restrictions (CC & R's) that will be recorded with the final plat.

The final plat map is substantially the same as the approved preliminary plat map and the applicant has met the conditions of approval as stated in the Final Order that are needed prior to gaining final approval.

RECOMMENDATION

Staff recommends **APPROVAL** of the Final Plat for Case File No. PUD-1-04.



Applicant: Bruce Brothers

Assessor's No: 40-13-32CA Tax Lots 1500 and 1700

Size: 13.43 ± Acre

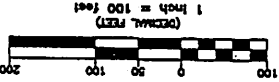
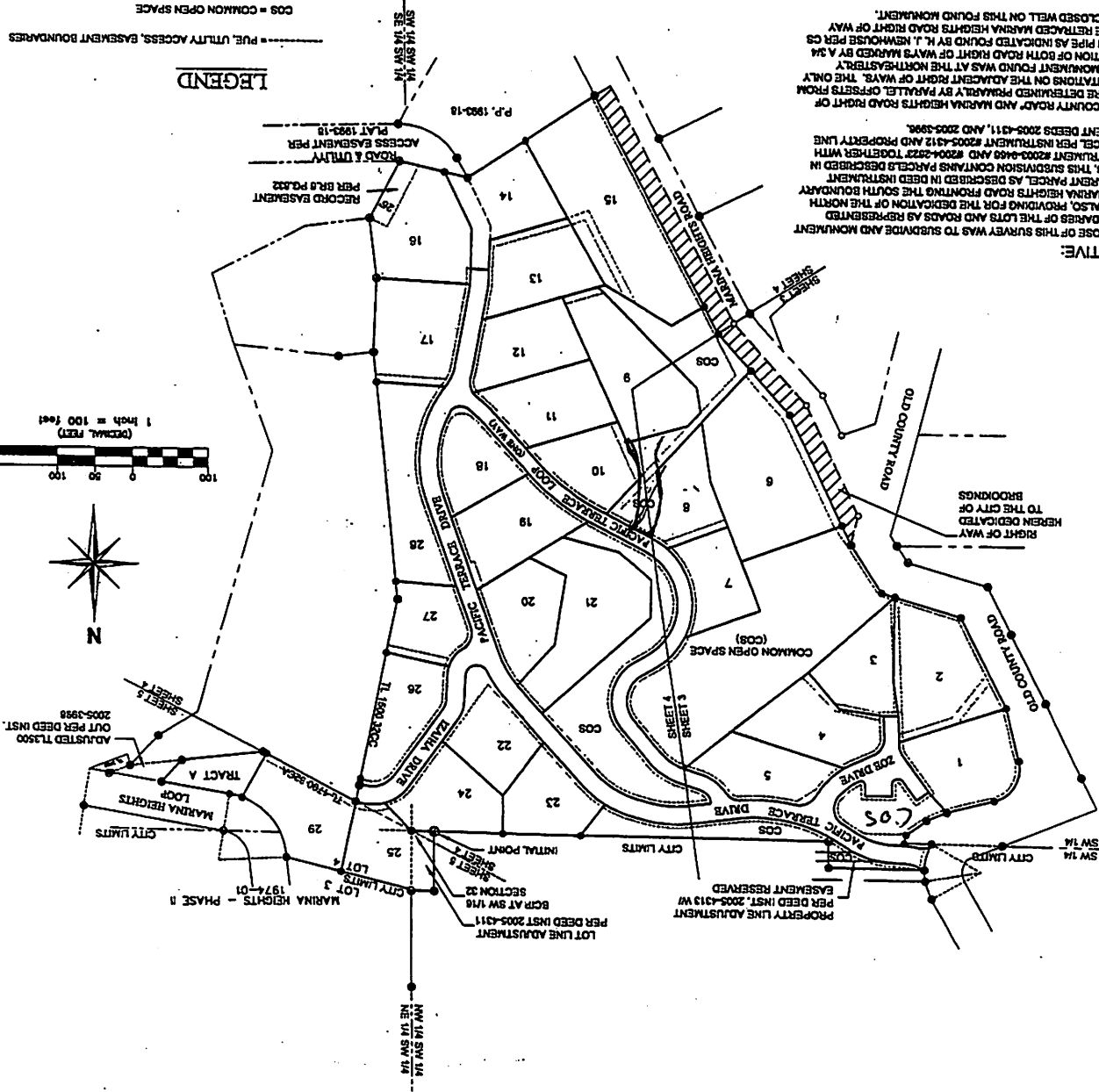
Location: Marina Heights Road-Pacific Terrace

Zone: SR-20 (Suburban Residential)



Pacific Terrace A Planned Community

LOCATED IN
THE SOUTHWEST 1/4 OF THE SECTION 32
TOWNSHIP 40 SOUTH, RANGE 13 WEST, WILLAMETTE MERIDIAN,
CITY OF BROOKINGS, CLATSOP COUNTY, OREGON
SURVEY PREPARED FOR: BRUCE BROTHERS, LLC
BROOKINGS, OR



LEGEND

- = COMMON OPEN SPACE
 - = MONUMENTS FOUND
 - = MONUMENTS SET
 - = COMPUTED POSITIONS
- = PUE, UTILITY ACCESS, EASEMENT BOUNDARIES

**REGISTERED
PROFESSIONAL
LAND SURVEYOR**
PRELIMINARY
THOMAS N. HOSKINS
JULY 15, 1998
OREGON
2221
COMMERCIAL AND RESIDENTIAL

I HEREBY CERTIFY THAT THIS IS A TRUE
AND EXACT COPY OF THE ORIGINAL.

STUNTNER ENGINEERING & FORESTRY
ENGINEERING-LAND SURVEYING-FORESTRY-LAND PLANNING-WATER RIGHTS
8782 SHOPPING CENTER AVE.
HARBOR, OREGON 97115
P.O. BOX 2748
PHONE: (503) 469-0798
WWW.STUNTNER.COM

BRUCE BROTHERS, LLC
SHEET 2 OF 5

- ### REFERENCE SURVEYS
- REF. 1) CS 40-18 BY H. J. NEWHOUSE, SEPTEMBER 1957
 - REF. 2) CS 40-12 BY J. SWANSON, NOVEMBER 1957
 - REF. 3) CS 40-21 BY J. SWANSON, JANUARY 1973
 - REF. 4) CS 40-24 BY J. SWANSON, FEBRUARY 1973
 - REF. 5) CS 40-13 BY D. CORNUCK, APRIL 1984
 - REF. 6) CS 40-13 BY D. CORNUCK, APRIL 1984
 - REF. 7) CS 40-13 BY D. CORNUCK, APRIL 1984
 - REF. 8) CS 40-23 BY R. DODGE, APRIL 1982
 - REF. 9) CS 40-23 BY R. DODGE, APRIL 1982
 - REF. 10) CS 40-23 BY R. DODGE, APRIL 1982
 - REF. 11) CS 40-23 BY R. DODGE, APRIL 1982
 - REF. 12) CS 40-23 BY R. DODGE, APRIL 1982
 - REF. 13) CS 40-23 BY R. DODGE, APRIL 1982
 - REF. 14) CS 40-23 BY R. DODGE, APRIL 1982
 - REF. 15) CS 40-23 BY R. DODGE, APRIL 1982
 - REF. 16) CS 40-23 BY R. DODGE, APRIL 1982
 - REF. 17) CS 40-23 BY R. DODGE, APRIL 1982
 - REF. 18) CS 40-23 BY R. DODGE, APRIL 1982
 - REF. 19) CS 40-23 BY R. DODGE, APRIL 1982
 - REF. 20) CS 40-23 BY R. DODGE, APRIL 1982
 - REF. 21) CS 40-23 BY R. DODGE, APRIL 1982
 - REF. 22) CS 40-23 BY R. DODGE, APRIL 1982
 - REF. 23) CS 40-23 BY R. DODGE, APRIL 1982
 - REF. 24) CS 40-23 BY R. DODGE, APRIL 1982
 - REF. 25) CS 40-23 BY R. DODGE, APRIL 1982
 - REF. 26) CS 40-23 BY R. DODGE, APRIL 1982
 - REF. 27) CS 40-23 BY R. DODGE, APRIL 1982
 - REF. 28) CS 40-23 BY R. DODGE, APRIL 1982
 - REF. 29) CS 40-23 BY R. DODGE, APRIL 1982

NARRATIVE

THE PURPOSE OF THIS SURVEY WAS TO SUBDIVIDE AND MONUMENT THE BOUNDARIES OF THE LOTS AND ROADS AS REPRESENTED HEREON. ALSO, PROVIDING FOR THE DEDICATION OF THE NORTH HALF OF MARINA HEIGHTS ROAD FRONTING THE SOUTH BOUNDARY OF THE PARENT PARCEL AS DESCRIBED IN DEED INSTRUMENT #2003-4460 AND #2004-2227 TOGETHER WITH DEED INSTRUMENT #2003-4312 AND PROPERTY LINE ADJUSTMENT DEEDS 2003-4311, AND 2003-3986.

THE OLD COUNTY ROAD AND MARINA HEIGHTS ROAD RIGHT OF WAY WERE DETERMINED PRIMARILY BY PARALLEL OFFSETS FROM MONUMENTATIONS ON THE ADJACENT RIGHT OF WAY. THE ONLY HISTORIC MONUMENT FOUND WAS AT THE NORTH-EAST INTERSECTION OF BOTH ROAD RIGHT OF WAYS MARKED BY A 3/4 INCH IRON PIPE AS INDICATED FOUND BY H. J. NEWHOUSE PER CS 40-18. THE RECALCULATED MARINA HEIGHTS ROAD RIGHT OF WAY BEARING CLOSED WELL ON THIS FOUND MONUMENT.

THE OLD COUNTY ROAD RIGHT OF WAY WAS COMPARED ADJUSTED BASED ON THAT RIGHT OF WAY ADJUSTMENT DEED RECORDED IN DEED INSTRUMENT #2003-4311 AND AS SHOWN ON CS MAP 40-73A. I HEED THE PARALLEL OFFSET POSITIONS TO COMPUTE THE OLD COUNTY ROAD EASTERLY RIGHT OF WAY TO THE SOUTHERLY MOST MONUMENT AS SHOWN FOUND ON MAP CS 40-73A, THEN COMPASS ADJUSTED THE REMAINING THREE COURSES TO THE FIRST NORTHWEST MONUMENT. I FOUND PER CS 40-73A, I RECOMPUTED THE CURVE PC AND PT, HOLDING THE RECORD IN THE BACK TO THE INSTRUMENT #2003-4311. THIS RESULTED IN THE BACK TO THE RECORD PER S. O. NEWHOUSE, CS 40-4011.

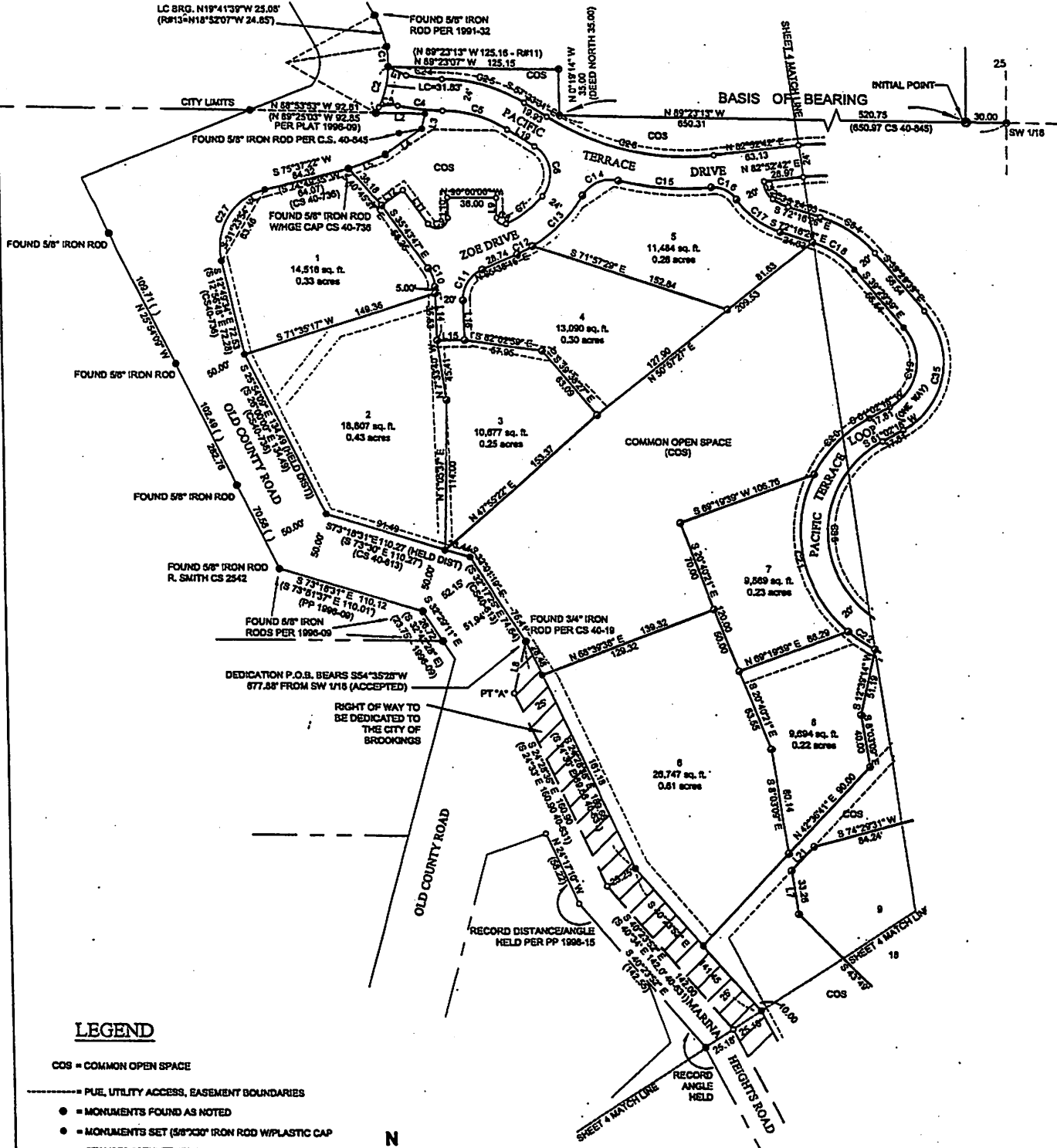
THE REMAINING OTHER BOUNDARIES ARE SHOWN AS FOUND AND ADJUSTED WITH RECORD SURVEYS AS NOTED.

THE FOUND MONUMENT AT THE ANGLE POINT OR THE NORTH LINE OF LOT 25 (SOUTHWEST CORNER OF LOT 3, MARINA HEIGHTS PHASE II) DID NOT AGREE WITH THE RECORD MARINA HEIGHT PLAT 1 HELD PLAT. RECORD DISTANCES AND SINGLE PROPORTIONED THIS COMMON CORNER OF THE FOUND MONUMENT PLAT 1 HELD PLAT.

DO NOT AGREE WITH THE RECORD MARINA HEIGHT PLAT 1 HELD PLAT. SOUTH OF THE FOUND MONUMENT, I DID NOT MONUMENT THE PROPORTIONED POINT. THE PRESENTLY LINE ADJUSTMENT DESCRIBED IN DEED INSTRUMENT #2003-4311 IS BASED ON THIS ANGLE POINT ON THE NORTH LINE OF LOT 25 OF THIS PLAT.

ASSESSORS MAP 40-13-22CC TL 1509, 32CA TL 1700

PLAT BOUNDARY AND LOT DETAIL (WEST SIDE)



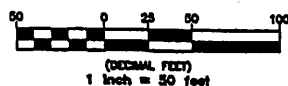
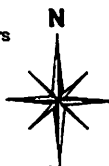
LEGEND

COS = COMMON OPEN SPACE

--- PUE, UTILITY ACCESS, EASEMENT BOUNDARIES

- = MONUMENTS FOUND AS NOTED
- = MONUMENTS SET (5/8\"/>

SEE POST MONUMENTATION NOTE SHEET 1



I HEREBY CERTIFY THAT THIS IS A TRUE
AND EXACT COPY OF THE ORIGINAL.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

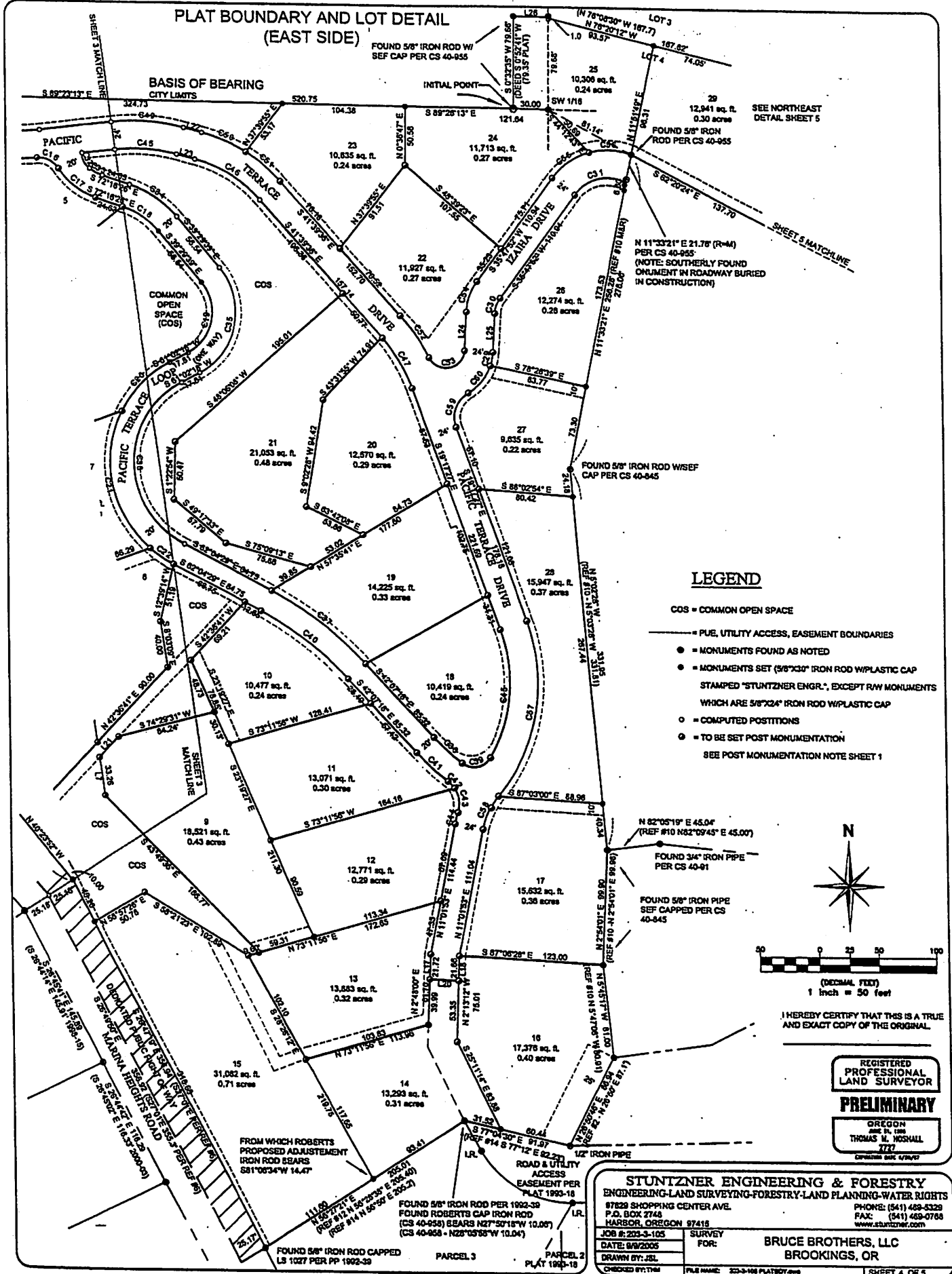
PRELIMINARY

OREGON
JUL 1, 1988
THOMAS H. HOSKALL
2727

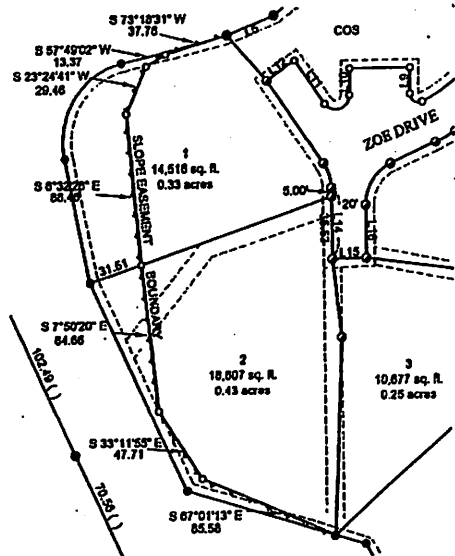
CREATED DATE 6/26/05

STUNTZNER ENGINEERING & FORESTRY ENGINEERING-LAND SURVEYING-FORESTRY-LAND PLANNING-WATER RIGHTS 97829 SHOPPING CENTER AVE. P.O. BOX 2748 HARBOR, OREGON 97115 PHONE: (541) 459-5329 FAX: (541) 459-0768 www.stuntzner.com	
JOB #: 203-3-105 DATE: 9/8/2005 DRAWN BY: JSL CHECKED BY: TTM	SURVEY FOR: BRUCE BROTHERS, LLC BROOKINGS, OR
FILE NAME: 203-3-105 PLATBOY.DWG	SHEET 3 OF 5

PLAT BOUNDARY AND LOT DETAIL
(EAST SIDE)



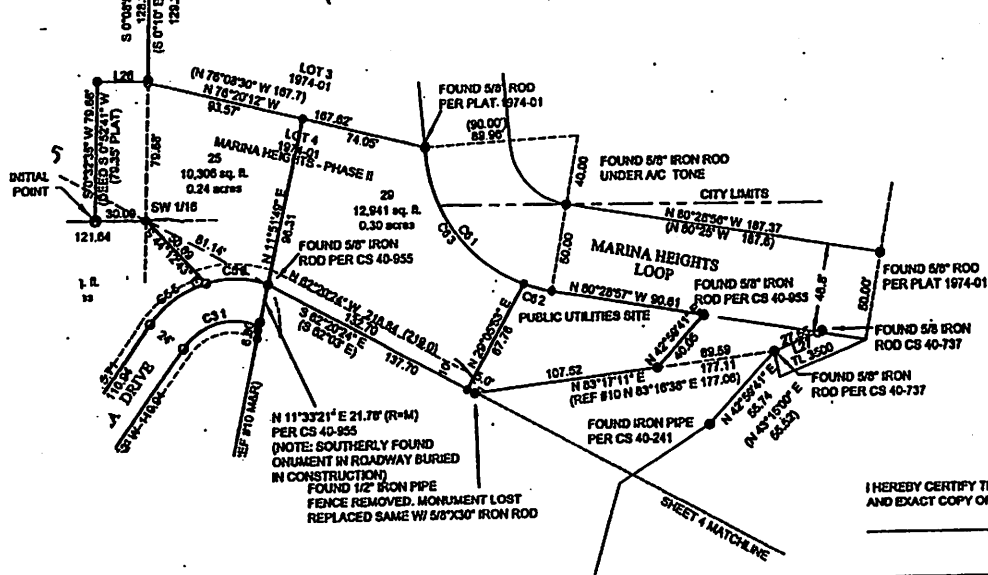
SLOPE EASEMENT DETAIL



LINE	BEARING	LENGTH	ORIGIN
L1	N64°39'37\"	14.67	PLAT
L2	S89°23'13\"	36.82	CALC.
(L2)	S89°23'13\"	36.82	C.S. 40-736
L3	S13°07'06\"	11.59	CALC.
(L3)	S13°07'06\"	11.59	C.S. 40-736
L4	S54°32'45\"	33.81	CALC.
(L4)	S54°32'45\"	33.81	C.S. 40-736
L5	S87°52'43\"	29.34	CALC.
(L5)	S87°52'43\"	29.34	C.S. 40-736
L6	S56°04'14\"	16.86	CALC.
(L6)	S56°04'14\"	16.86	C.S. 40-845
L7	S13°20'50\"	40.78	
(L7)	S13°20'50\"	40.78	C.S. 40-19
L8	N00°00'00\"	15.00	PLAT
L10	S00°00'00\"	15.24	PLAT
L11	N35°43'47\"	31.13	PLAT
L12	S54°16'13\"	20.00	PLAT
L14	S01°22'08\"	40.53	PLAT
L15	N88°37'52\"	20.00	PLAT
L16	N01°22'08\"	30.04	PLAT
L19	S57°23'31\"	23.65	PLAT
L21	S58°57'20\"	37.47	PLAT
L22	S75°15'24\"	15.93	PLAT
L23	S75°15'24\"	15.93	PLAT
L24	N02°57'00\"	33.37	PLAT
L25	N02°57'00\"	33.37	PLAT
L26	S89°23'13\"	30.00	
L27	N89°04'50\"	29.91	MEASURED
(L27)	N89°04'50\"	30.00	C.S. 40-737

CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD	RECORD
C1	11°36'41\"	75.00	15.20	7.63	N03°47'49\"W 15.17'	
C2	28°01'29\"	75.00	36.86	18.72	N16°01'01\"E 36.32'	
C3	33°23'22\"	25.00	14.67	7.50	S85°09'51\"W 14.38'	
C4	11°43'08\"	163.19	33.38	18.75	S84°04'13\"E 33.32'	
C5	32°36'30\"	86.00	50.08	25.74	N73°41'45\"W 49.41'	
C6	99°11'37\"	24.95	43.20	29.31	N07°51'16\"W 38.00'	
C7	22°23'23\"	86.00	34.39	17.42	N52°52'40\"E 34.17'	
C8	115°55'43\"	6.00	10.12	7.99	S57°57'49\"E 8.48'	
C9	144°16'10\"	8.00	20.14	24.82	N72°08'07\"E 15.23'	
C10	34°21'37\"	25.00	14.99	7.73	N16°32'58\"W 14.77'	
C11	67°00'25\"	25.00	29.24	16.55	S32°08'04\"W 27.60'	
C12	6°39'01\"	112.00	13.00	6.51	N62°18'45\"E 12.99'	
C13	27°49'34\"	112.00	54.39	27.74	N45°04'28\"E 53.86'	
C14	72°04'05\"	25.00	31.45	18.19	S67°11'42\"W 29.41'	
C15	18°54'05\"	212.00	69.94	35.29	S86°13'19\"E 69.62'	
C16	62°31'30\"	20.00	21.83	12.14	N64°24'36\"W 20.76'	
C17	38°59'45\"	69.98	40.82	21.24	S52°35'13\"E 40.04'	
C18	32°46'48\"	65.00	37.19	19.12	N55°53'03\"W 36.68'	
C19	100°31'57\"	40.00	70.18	48.12	N10°46'19\"E 61.52'	
C20	34°30'23\"	100.09	60.28	31.08	S43°48'11\"W 59.37'	
C21	74°58'23\"	100.00	130.87	78.71	S10°59'32\"E 121.73'	
C22	13°38'00\"	100.00	23.74	11.92	S55°17'10\"E 23.68'	
C23	31°57'16\"	25.00	13.94	7.16	S62°54'19\"E 13.78'	
C24	11°07'02\"	137.27	26.64	13.36	S64°26'29\"E 26.59'	
C25	32°36'30\"	112.00	63.74	32.78	N73°41'45\"W 62.88'	
C26	39°43'48\"	188.00	130.36	67.93	S77°15'24\"E 127.77'	
C27	68°26'56\"	45.49	70.22	44.27	S31°23'54\"W 63.46'	
(C27)	68°48'22\"	45.49	70.48	44.53	S31°14'25\"W 63.64'	(CS 40-736)
C28	15°41'14\"	44.00	12.05	6.06	N10°47'35\"E 12.01'	
C29	32°50'54\"	25.00	14.33	7.37	S19°22'26\"W 14.14'	
C30	79°36'57\"	36.00	50.02	30.07	S75°36'21\"W 48.10'	
C31	58°10'35\"	15.00	15.23	8.34	S24°40'20\"E 14.58'	
C32	18°17'20\"	40.01	12.77	6.44	S62°54'21\"E 12.72'	
C33	32°46'46\"	85.00	48.63	25.07	N55°53'03\"W 47.97'	
C34	100°31'57\"	60.00	105.28	72.18	N10°46'19\"E 92.28'	
C35	123°06'08\"	80.00	171.90	147.65	S00°31'25\"E 140.69'	
C36	19°55'32\"	292.00	101.55	51.29	N52°05'34\"W 101.04'	
C37	9°45'43\"	190.00	32.37	18.23	S47°00'10\"E 32.33'	
C38	9°45'43\"	18.11	27.82	18.84	N78°35'50\"E 24.49'	
C39	19°57'12\"	271.61	94.59	47.78	N52°05'34\"W 94.11'	
C40	19°57'12\"	271.61	94.59	47.78	S47°00'10\"E 35.74'	
C41	9°45'43\"	210.00	35.78	17.93	N42°20'33\"W 8.29'	
C42	19°04'57\"	25.00	8.33	4.20	N07°39'37\"W 21.24'	
C43	50°16'56\"	25.00	21.94	11.73	S14°15'04\"W 10.23'	
C44	6°28'07\"	90.70	10.24	5.13	N04°56'36\"E 111.65'	
C45	48°28'07\"	136.00	115.05	61.22	N58°27'30\"E 65.32'	
C46	33°35'49\"	113.00	66.26	34.11	N29°27'00\"W 49.67'	
C47	20°44'08\"	138.00	49.94	25.25	N07°19'03\"E 123.62'	
C48	57°12'59\"	138.00	128.17	69.13	N86°11'21\"W 61.45'	
C49	21°51'54\"	162.00	61.82	31.29	N66°37'50\"W 41.10'	
C50	17°15'08\"	137.00	41.25	20.78	N49°49'56\"W 38.95'	
C51	15°20'40\"	137.00	39.06	19.67	N34°00'43\"W 43.10'	
C52	15°16'23\"	162.17	43.23	21.74	N78°17'18\"E 30.82'	
C53	150°41'23\"	15.93	41.89	60.91	S19°22'26\"W 27.71'	
C54	32°50'52\"	49.00	28.09	14.44	S54°12'59\"W 37.91'	
C55	36°50'13\"	60.00	38.58	19.98	N86°46'24\"W 38.25'	
C56	37°11'00\"	60.00	38.94	20.18	N09°36'56\"E 154.68'	
C57	57°48'50\"	160.00	151.45	83.35	N24°46'38\"E 31.63'	
C58	27°29'31\"	86.97	32.13	16.38	S19°46'19\"W 31.51'	
C59	78°07'35\"	25.00	34.02	20.29	N38°44'09\"E 30.24'	
C60	40°11'53\"	44.00	30.87	16.10	S41°47'54\"E 112.44'	
C61	77°19'08\"	90.00	121.45	72.00	S75°03'08\"E 18.96'	
C62	10°48'45\"	90.00	15.98	8.52	S36°23'32\"E 98.70'	
C63	06°30'23\"	90.00	104.47	58.01		

TABLES, PLAT BOUNDARY AND LOT DETAIL (NORTH EAST SIDE)



I HEREBY CERTIFY THAT THIS IS A TRUE AND EXACT COPY OF THE ORIGINAL

REGISTERED
PROFESSIONAL
LAND SURVEYOR

PRELIMINARY

OREGON
JAN. 1, 1984
THOMAS M. HOSHAL
2727
EXPIRES MAR. 31/2010

STUNTZNER ENGINEERING & FORESTRY
ENGINEERING-LAND SURVEYING-FORESTRY-LAND PLANNING-WATER RIGHTS
97829 SHOPPING CENTER AVE. PHONE: (541) 469-5329
P.O. BOX 2748 FAX: (541) 469-0768
HARBOR, OREGON 97415 www.stuntzner.com

JOB #: 203-3-103 SURVEY FOR: BRUCE BROTHERS, LLC
DATE: 9/9/2005 FOR: BROOKINGS, OR
DRAWN BY: JBL
CHECKED BY: THM FILE NAME: 203-3-103 PLAT007.dwg SHEET 5 OF 5

EXHIBIT 5

SURVEYOR CERTIFICATION

I, THOMAS M. HOSHALL, HEREBY CERTIFY THAT I AM A LAND SURVEYOR AND THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH THE PROPER MONUMENTS THE LANDS REPRESENTED ON THE ATTACHED MAP. THE BOUNDARIES BEING DESCRIBED AS FOLLOWS:

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 32, TOWNSHIP 40 SOUTH, RANGE 13 WEST OF THE WILLAMETTE MERIDIAN, CITY OF BROOKINGS, CURRY COUNTY, OREGON SPECIFICALLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INITIAL POINT, BEING A 5/8" IRON ROD ON THE NORTH LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SOUTHWEST QUARTER (SW 1/4) FROM WHICH A BRASS CAPPED IRON PIPE AT ITS NORTHEAST CORNER (THE SAME BEING ACCEPTED AS THE SW 1/16 CORNER) BEARS SOUTH 89° 23' 13" EAST 30.00 FEET;
THENCE FROM SAID IRON ROD, NORTH 89° 23' 13" WEST 520.75 FEET;
THENCE NORTH 0° 16' 14" WEST 35.00 FEET;
THENCE NORTH 89° 23' 07" WEST 128.15 FEET TO THE EASTERLY RIGHT OF WAY OF THE "OLD COUNTY ROAD" AT A POINT ON A 75.00 FOOT RADIUS CURVE RIGHT;
THENCE 36.89 FEET ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 28° 01' 31" (THE LONG CHORD OF WHICH BEARS SOUTH 18° 01' 01" WEST 36.32 FEET);
THENCE CONTINUING ALONG SAID RIGHT OF WAY,
SOUTH 89° 23' 13" EAST 36.82 FEET, SOUTH 12° 59' 40" WEST 11.50 FEET,
SOUTH 54° 32' 45" WEST 33.81 FEET, SOUTH 67° 52' 43" WEST 29.34 FEET;
SOUTH 73° 37' 22" WEST 64.32 FEET TO THE POINT OF A 45.49 FOOT RADIUS CURVE LEFT;
THENCE 70.22 FEET ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 89° 28' 56" (THE LONG CHORD OF WHICH BEARS SOUTH 31° 23' 54" WEST 83.48 FEET) AND CONTINUING ALONG SAID RIGHT OF WAY, SOUTH 12° 49' 34" EAST 12.53 FEET, SOUTH 25° 54' 09" EAST 134.49 FEET,
SOUTH 73° 18' 31" EAST 110.27 FEET, SOUTH 32° 01' 19" EAST 75.41 FEET TO A 3/4 INCH IRON PIPE AT THE INTERSECTION WITH SAID RIGHT OF WAY AND THE HEREON DEDICATED NORTHEASTERLY RIGHT OF WAY OF MARINA HEIGHTS ROAD;
THENCE ALONG MARINA HEIGHTS ROAD,
SOUTH 24° 28' 36" EAST 189.06 FEET, SOUTH 40° 23' 52" EAST 141.45 FEET,
SOUTH 28° 47' 19" EAST 358.94 FEET TO THE WESTERLY MOST CORNER OF PARCEL 1 OF PARTITION PLAT 1992-39, (ALSO BEING THE WESTERLY MOST CORNER OF PARCEL 3 OF PARTITION PLAT 1993-18);
THENCE LEAVING SAID RIGHT OF WAY,
NORTH 56° 27' 21" EAST 205.01 FEET ALONG THE NORTHERLY BOUNDARY OF SAID PARTITION PLAT;
THENCE SOUTH 77° 04' 30" EAST 91.97 FEET,
THENCE LEAVING SAID NORTHERLY BOUNDARY,
NORTH 28° 50' 45" EAST 88.94 FEET, THENCE NORTH 6° 45' 17" WEST 81.00 FEET,
THENCE NORTH 2° 54' 01" EAST 99.90 FEET, THENCE NORTH 8° 02' 28" WEST 331.95 FEET,
THENCE NORTH 11° 33' 21" EAST 278.06 FEET TO THE SOUTH LINE OF LOT 4 OF MARINA HEIGHTS PHASE II, PLAT 1974-01;
THENCE SOUTH 62° 20' 24" EAST 137.70 FEET, THENCE NORTH 83° 17' 11" EAST 107.52 FEET ALONG SAID SOUTH LINE OF LOT 4 TO THE BOUNDARY AS ADJUSTED PURSUANT TO THAT DEED INSTRUMENT #2004-3597;
THENCE NORTH 42° 59' 41" EAST 40.05 FEET TO THE SOUTHERLY RIGHT OF WAY OF MARINA HEIGHTS LOOP;
THENCE LEAVING SAID ADJUSTED BOUNDARY NORTH 80° 28' 57" WEST 90.81 FEET TO THE POINT OF A 90.00 FOOT RADIUS CURVE RIGHT, THENCE CONTINUING ALONG SAID RIGHT OF WAY AND CURVE RIGHT 121.44 FEET, THROUGH A CENTRAL ANGLE OF 77° 17' 08" (THE LONG CHORD OF WHICH BEARS NORTH 41° 44' 54" WEST 112.44 FEET) TO THE SOUTH LINE OF LOT 3, SAID PLAT 1974-01;
THENCE NORTH 78° 20' 12" WEST 187.82 FEET ALONG SAID SOUTH LINE OF LOT 3;
THENCE NORTH 0° 32' 35" EAST 1.00 FOOT TO THE NORTHEAST CORNER OF THAT ADJUSTED BOUNDARY PURSUANT TO THAT DEED INSTRUMENT #2005-4311;
THENCE NORTH 89° 23' 13" WEST 30.00 FEET ALONG SAID ADJUSTED BOUNDARY;
THENCE SOUTH 0° 32' 35" WEST 79.68 FEET TO THE POINT OF BEGINNING, CONTAINING 13.43 ACRES, MORE OR LESS.

TOGETHER WITH THE FOLLOWING DESCRIBED PORTION OF MARINA HEIGHTS ROAD HEREON DEDICATED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2 INCH IRON PIPE LOCATED AT THE NORTHEASTERLY INTERSECTION OF "OLD COUNTY ROAD" RIGHT OF WAY AND MARINA HEIGHTS ROAD RIGHT OF WAY AS HEREON DEDICATED FROM WHICH THE ABOVE DESCRIBED INITIAL POINT BEARS NORTH 54° 35' 28" EAST 97.55 FEET;
THENCE ALONG THE EASTERLY BOUNDARY OF SAID "OLD COUNTY ROAD" AND ITS COMMON BOUNDARY WITH THE HEREON DEDICATED RIGHT OF WAY SOUTH 13° 20' 50" WEST 40.79 FEET (RECORD SOUTH 12° 55' WEST 41.1 FEET, PER CS 40-18, (CURRY COUNTY SURVEY MAP RECORDS) TO POINT "A" PER CS 40-813, SAID RECORDS, BEING THE CENTERLINE OF THE 50 FOOT MARINA HEIGHTS ROAD RIGHT OF WAY;
THENCE ALONG SAID CENTERLINE SOUTH 24° 28' 36" EAST 189.06 (FORMERLY SOUTH 24° 33' EAST 150.90 FEET);
SOUTH 40° 23' 52" EAST 142.00 FEET (FORMERLY SOUTH 40° 34' EAST 142.0 FEET), AND SOUTH 28° 47' 19" EAST 358.92 FEET (FORMERLY SOUTH 27° 01' EAST 355.3 FEET) TO THE ROAD CENTERLINE POINT OPPOSITE THE SOUTHWEST CORNER OF SAID PARCEL 1 PER PARTITION PLAT 1992-39;
THENCE NORTH 56° 27' 21" EAST 25.17 FEET TO SAID SOUTHWEST CORNER OF SAID PARCEL 1;
THENCE NORTH 28° 47' 19" WEST 358.94 FEET ALONG THE SOUTH BOUNDARY OF THE LOTS HEREON PLATTED;
THENCE CONTINUING ALONG SAID BOUNDARY NORTH 40° 23' 52" WEST 141.45 FEET, AND NORTH 24° 28' 36" WEST 189.06 FEET TO THE POINT OF BEGINNING.

SHEET INDEX

- 1 DECLARATION, DEDICATION AND SIGNATURES
- 2 OVERVIEW
- 3 PLAT (WEST SIDE) BOUNDARY DETAIL
- 4 PLAT (EAST SIDE) BOUNDARY DETAIL
- 5 PLAT (NORTH EAST) BOUNDARY AND LOT DETAIL AND TABLES

I HEREBY CERTIFY THAT THIS IS A TRUE AND EXACT COPY OF THE ORIGINAL

OWNER'S DECLARATION

KNOW ALL MEN BY THESE PRESENTS THAT BRUCE BROTHERS, LLC IS THE OWNER OF THE LAND DESCRIBED IN THE SURVEYORS CERTIFICATE HEREON AND HAVE CAUSED THE LANDS TO BE PLATTED AS "PACIFIC TERRACE" A PLANNED COMMUNITY. WE HEREBY COMMIT SAID LAND TO THE OPERATION OF THE PLANNED COMMUNITY LAWS SET FORTH IN CHAPTER 94 OF THE OREGON REVISED STATUTES, SUBJECT TO THE BYLAWS, CONDITIONS, COVENANTS AND RESTRICTIONS AS RECORDED AND NOTED HEREON, ALSO, SPECIFICALLY BUT NOT SOLELY BLANKET EASEMENTS NOT OTHERWISE SHOWN HEREON (SEE BYLAWS ARTICLE VII-EASEMENTS). FURTHER THE OWNER HEREBY DEDICATES TO THE CITY OF BROOKINGS THE NORTHERLY PORTION OF MARINA HEIGHTS ROAD, APPROXIMATELY BEING THE SOUTHERLY 25 FEET FRONTING THE SUBJECT PARCEL, AND SPECIFICALLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2 INCH IRON PIPE LOCATED AT THE NORTHEASTERLY INTERSECTION OF "OLD COUNTY ROAD" RIGHT OF WAY AND MARINA HEIGHTS ROAD RIGHT OF WAY AS HEREON DEDICATED FROM WHICH THE ABOVE DESCRIBED INITIAL POINT BEARS NORTH 54° 35' 28" EAST 97.55 FEET;
THENCE ALONG THE EASTERLY BOUNDARY OF SAID "OLD COUNTY ROAD" AND ITS COMMON BOUNDARY WITH THE HEREON DEDICATED RIGHT OF WAY SOUTH 13° 20' 50" WEST 40.79 FEET (RECORD SOUTH 12° 55' WEST 41.1 FEET, PER CS 40-18, (CURRY COUNTY SURVEY MAP RECORDS) TO POINT "A" PER CS 40-813, SAID RECORDS, BEING THE CENTERLINE OF THE 50 FOOT MARINA HEIGHTS ROAD RIGHT OF WAY;
THENCE SOUTH 24° 28' 36" EAST 189.06 (FORMERLY SOUTH 24° 33' EAST 150.90 FEET);
THENCE SOUTH 40° 23' 52" EAST 142.00 FEET (FORMERLY SOUTH 40° 34' EAST 142.0 FEET);
THENCE SOUTH 28° 47' 19" EAST 358.92 FEET (FORMERLY SOUTH 27° 01' EAST 355.3 FEET) TO THE ROAD CENTERLINE POINT OPPOSITE THE SOUTHWEST CORNER OF THAT PARCEL 1 PER PARTITION PLAT 1992-39;
THENCE NORTH 56° 27' 21" EAST 25.17 FEET TO SAID SOUTHWEST CORNER OF SAID PARCEL 1;
THENCE NORTH 28° 47' 19" WEST 358.94 FEET ALONG THE SOUTH BOUNDARY OF THE LOTS HERE PLATTED;
THENCE CONTINUING ALONG SAID BOUNDARY NORTH 40° 23' 52" WEST 141.45 FEET AND NORTH 24° 28' 36" WEST 189.06 FEET TO THE POINT OF BEGINNING.
THIS DEDICATION IS INTENDED TO PROVIDE FOR THE ADDITIONAL NORTHERLY 25 FEET OF MARINA HEIGHTS ROAD RIGHT OF WAY AS FRONTING THE SOUTH BOUNDARY OF THE SUBJECT LANDS, AND IS A PORTION OF THE SAME RIGHT OF WAY AS DESCRIBED IN THAT QUITCLAIM DEED PER BOOK OF RECORDS 39 PAGE 620 ("H"), CURRY COUNTY DEED RECORDS.
FURTHER, THE OWNER HEREBY DEDICATES TO THE CITY OF BROOKINGS, A SLOPE EASEMENT ALONG "OLD COUNTY ROAD" AS SHOWN ALONG ITS EASTERLY RIGHT OF WAY.

NOAH D. BRUCE, MEMBER, BRUCE BROTHERS, LLC
PRINCIPAL MEMBER AND OWNER

ACKNOWLEDGMENT
STATE OF OREGON
COUNTY OF CURRY, S.S.

BE IT REMEMBERED THAT ON THIS ____ DAY OF ____, 2005, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, APPEARED NOAH D. BRUCE, MEMBER AND OWNER, TO ME PERSONALLY KNOWN TO BE THE IDENTICAL INDIVIDUAL NAMED IN AND WHO EXECUTED THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FREELY AND VOLUNTARILY, IN TESTIMONY WHEREOF, I HAVE SET MY HAND AND SEAL THE DAYS AND YEAR LAST ABOVE WRITTEN.

NOTARY PUBLIC
MY COMMISSION EXPIRES ____

PLANNING NOTES

• ZONING: SR20 • TOTAL AREA: 665,135.5 SQ. FT. (13.43 AC. ±)

• PRIOR TO THE CONSTRUCTION OF STREETS, UTILITIES AND A HOUSE ON ANY LOT WITHIN THIS SUBDIVISION, A GEOLOGICAL STUDY AND GRADING PLAN WILL BE REQUIRED PURSUANT TO SECTION 100, HAZARDOUS SITE PROTECTION/HILLSIDE DEVELOPMENT STANDARDS.

• AN EASEMENT SHALL BE GRANTED TO THE CITY OVERALL WATER MAINS CONSTRUCTED FOR THIS PROJECT. THE WIDTH OF THE EASEMENT SHALL BE DETERMINED BY THE CITY ENGINEER. THE DESIGNED WATERLINE LIES WITHIN THE RIGHTS-OF-WAY OF EXISTING ROAD OF THIS SITE.

• LOTS 14, 15, 16, 17, 23, 24, 25, 26, 27 AND 28 SHALL MEET THE APPROPRIATE SETBACK STANDARD OF THE SR-20 ZONE. ALL OTHER LOTS ARE ALLOWED TO HAVE YARD SETBACKS AS FOLLOWS:

20 FEET
FRONT: 5 FEET
SIDE: 5 FEET
REAR:

SIDE AND REAR YARD SETBACK SHALL INCREASE BY 1/2 FOOT FOR EACH FOOT OF BUILDING HEIGHT OVER 15 FEET. BUILDING HEIGHT SHALL BE DETERMINED AS DEFINED IN LAND DEVELOPMENT CODE.

POST MONUMENTATION NOTE

I, THOMAS M. HOSHALL, CERTIFY THAT POST MONUMENTATION WILL BE COMPLETED WITHIN ONE YEAR OF THE DATE OF THE FILING OF THIS PLAT MAP.

THOMAS M. HOSHALL, PLS 2727

INTERIOR MONUMENTS SET PER AFFIDAVIT OF MONUMENTATION
RECORDED IN VOLUME ____ PAGE ____

PLAT NUMBER ____

INSTRUMENT NO. ____

PACIFIC TERRACE A PLANNED COMMUNITY

LOCATED IN SW 1/4 OF SECTION 32, T40S, R13W, WM,
CITY OF BROOKINGS, CURRY COUNTY, OREGON

PREPARED FOR:
BRUCE BROS. LLC
97651 MARINA HEIGHTS LOOP
BROOKINGS, OREGON 97415

CITY OF BROOKINGS

THE CITY OF BROOKINGS HEREBY CERTIFIES THAT THIS PLAT IS IN CONFORMITY WITH THE APPLICABLE REQUIREMENTS OF THE CITY OF BROOKINGS PLANNING ORDINANCES.

APPROVED THIS ____ DAY OF ____, 200__, BY THE CITY OF BROOKINGS

PLANNING DIRECTOR

CHAIRMAN

CURRY COUNTY

COMMISSIONER

COMMISSIONER

COMMISSIONER

ASSESSOR

COUNTY SURVEYOR APPROVAL

I, GERARD FLOYD, CURRY COUNTY SURVEYOR, HEREBY APPROVE THIS PLAT.

APPROVED THIS ____ DAY OF ____, 200__, BY THE
CURRY COUNTY SURVEYOR

COUNTY TAX COLLECTOR

ALL TAXES, FEES ASSESSMENTS AND OTHER CHARGES AS PROVIDED BY O.R.S. 91-512 HAVE

BEEN PAID AS OF ____, 200__,

CURRY COUNTY TAX COLLECTOR

COUNTY CLERK CERTIFICATE

FILED THIS ____ DAY OF ____, 200__, AT ____ O'CLOCK ____ M.

CURRY COUNTY INSTRUMENT No. ____

DRAWER No. ____

COUNTY CLERK

DEPUTY

DISCLOSURE STATEMENT RECORDED IN CURRY COUNTY INSTRUMENT: ____

CONDITIONS, COVENANTS, AND RESTRICTIONS DECLARATION RECORDED
IN CURRY COUNTY INSTRUMENT: ____

REGISTERED
PROFESSIONAL
LAND SURVEYOR

PRELIMINARY

OREGON
JAN 11, 1988
THOMAS M. HOSHALL
2727
EXPIRATION DATE 1/10/11

STUNTZNER ENGINEERING & FORESTRY
ENGINEERING-LAND SURVEYING-FORESTRY-LAND PLANNING-WATER RIGHTS
97829 SHOPPING CENTER AVE.
P.O. BOX 2748
HARBOR, OREGON 97415
PHONE: (541) 469-5329
FAX: (541) 469-0768
www.stuntzner.com

JOB #: 203-3-105
DATE: 9/12/2005
DRAWN BY: JBL
CHECKED BY: THM

SURVEY
FOR:

BRUCE BROTHERS, LLC
BROOKINGS, OR

FILE NAME: 203-3-105 Epa.dwg

SHEET 1 OF 5

EXHIBIT 6

March 9, 2006

RE: Water tank on Marina Heights Loop

This letter will outline our concerns regarding the water tank recently placed across the street from our home at 97673 Marina Heights Loop.

When I addressed my concern at a Planning Commission meeting it was stated the tank would be 14 feet in height, and quite possibly it would not even be placed on Marina Heights Loop, but further up Old County Road where additional property was going to be annexed to the City.

On several occasions we had conversations with Joshua & Noah Bruce, as well as a gentleman that appeared to be the engineer overseeing the installation of the tank, all of whom indicated it would be no taller than 19.5 feet. Our best estimate is it is somewhere between 35 & 40 feet in height. Is this bait and switch tactics?

To add insult to injury, the ladder and catwalk were placed directly in our view, when it could have easily been placed on the southwest side of the tank, a little less obnoxious.

Discussions with local Real Estate professionals indicate the tank has adversely affected the value of our property, as anyone wanting ocean view property does not want water tank views.

In summary, the tank has adversely affected several homes in our area, both in our comfort area when enjoying our homes, and in a financial manner as well. Reconsideration of this tank and/or the height seems to be in order.

Gary D Kent

Meta G. Kent

Meta & Gary Kent
97673 Marina Heights Loop
Brookings, OR 97415
(541) 469-0683

EXHIBIT B

97679 Marina Hts Lp
Brookings OR
97415

March 9th 2006

To Whom it may concern:

Dear Sir,

We wish to make a protest against the height of the new water tower across the street from us. We were informed that it would be only 20 ft maximum. This eyesore is about twice that height.

We estimate that the value of our property has depreciated by about \$50,000.

The water tank was installed to supply water to a few new homes on the sub-division below us. It is large enough to supply 500 homes. Bruce Bros. should be required to lower the tank by half.

Yours sincerely,

Eric + Mollie Eastaff

469-3340

Frederick and Veronica Spalding
17048 Westwood Lane/P.O. Box 343
Brookings, OR. 97415
541-412-8343

3-9-2006

Brookings City Council

Dear Sirs,

This letter is to register our extreme dissatisfaction with the water tower that has been erected on Marina Heights Loop for the following reasons:

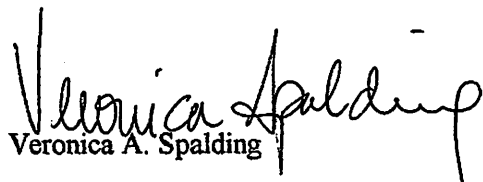
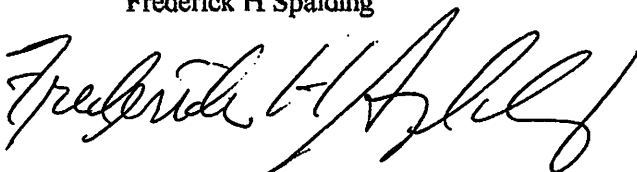
1. This is a very ugly structure that spoils the aesthetics of our neighborhood and lowers property values for homes in the immediate vicinity.
2. This water tower serves new homes and should have been erected within the development itself, rather than being inflicted upon people who will not necessarily benefit from it.
3. It blocks the view of the harbor and ocean for people who specifically bought/built homes here for that very reason.
4. Even if the tower was not blocking the view, it is built on such a small piece of land that trees cannot be used to screen it.
5. No council member would allow a structure of this sort to be built so close to his own house. Why inflict this upon us?
6. Has the council even considered reimbursement to adjacent property owners for the devaluation of their property?

We would also like to suggest that future developments be noticed on the property so that the public may comment at council and planning commission meetings prior to approval being given or work commencing. These public notices should be large enough to be visible to the public and should be posted early enough to allow for public consensus.

The growth of Brookings is inevitable, but it should not be at the expense of those who have come before.

Sincerely

Frederick H Spalding



Veronica A. Spalding

March 9, 2006

Galathea
97671 Marina Height Keep
Brookings, OR 97415
(541) 469-0508
P.O. Box 7962

to whom it may concern,

We are protesting about a huge hideous 40ft blue water tank in front of our house. We are extremely upset about it!!

We use to have a beautiful "ocean view" from almost every room in our house. NOW we have an "over 40ft ugly black thing tank view" from almost every room in our house.

This has devalued our home of almost \$100,000!!! We use to have a desirable, in demand view; now people are making many strong negative comments. We were told this tank wouldn't be more than 15ft and would be obscured and possibly not even be located where it is.

Our c.c.R's for Marina Heights states we can't have a fence over 4' high, so WHY is this TANK allowed??

We want this water tank OUT of our view or reduced to NOT MORE THAN 15ft!!!

Sincerely,

~~Frank H. Hays~~
Shirley Hays

CITY OF BROOKINGS



July 9, 2004

Bruce Brothers LLC
P. O. Box 61
Brookings, OR 97514

RE: An application for a Conditional Use Permit and Subdivision to establish a 28-lot Planned Unit Development, to be known as *Pacific Terrace*; located on the east side of Old County Road and the north side of Marina Heights Road; Assessor's Map 40-13-32 CC, Tax Lot 1500; SR-residential zone; File No. **PUD-1-04**, Bruce Brothers LLL, applicants.

Dear Bruce Brothers,

Please find enclosed an amended page 2 to the Final Order.

Sincerely,

Cathie Mahon,
Planning Commission Secretary

CC:

Jim Capp, Western Land Use Services, Inc.,	P. O. Box 2937	Harbor, OR	97415
Tim Bossard, Civil & Structural Engineering	133 N.W. "D" St.	Grants Pass, OR	97526
Kerry KenCairn, Landscape Architect	545 "A" St. Ste. 3	Ashland, OR	97520
John Babin, applicant's attorney	P. O. Box 1600	Brookings, OR	97415
Pete Chasar	935 Marina Hts. Rd.	Brookings, OR	97415
Robert Harvell	875 Marina Hts. Loop	Brookings, OR	97415
Anita Kent	97673 Marina Hts. Rd.	Brookings, OR	97415
Byron Brimm-(957 Marina Hts.Rd.)	P. O. Box 55	Brookings, OR	97415
Helmet Bacher & Eveline Williams (16901 Old County Rd.)	P. O. Box 6326	Brookings, OR	97415

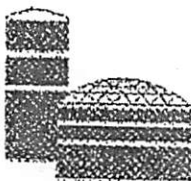
Encl

the city, or within such longer period of time as may be established by the Planning Commission.

- B. The proposal conforms with the Comprehensive Plan and implementing measures of the city in terms of goals, policies, location and general development standards.
 - C. The project will assure benefits to the city and the general public in terms of need, convenience, service and appearance sufficient to justify any necessary exceptions to the regulations of the zoning district.
 - D. There are special physical conditions or objectives of development which the proposal will satisfy so that a departure from standard zoning district regulations can be warranted.
 - ~~E. That the project will be compatible with adjacent developments and will not adversely affect the character of the area.~~
 - F. The project will satisfactorily take care of the traffic it generates, both on and off-site, by means of adequate off-street parking, access points, and additional street right-of-way improvements.
 - G. That the proposed utility and drainage facilities are adequate for the population densities and type of development proposed and will not create major problems or impacts outside the boundaries of the proposed development site; and
4. Such application is also required to show evidence that all of the following criteria for a ~~planned unit development~~ *subdivision* have been met:
- A. Conformance with the comprehensive plan, and applicable development standards of this code, and state and federal laws.
 - B. Development of any remainder of property under the same ownership, if any, can be accomplished in accordance with this code.
 - C. Adjoining property under separate ownership can either be developed or be provided access that will allow its development in accordance with this code.
 - D. Conditions necessary to satisfy the intent of the land development code and comprehensive plan can be satisfied prior to final approval.
 - E. The proposed street plan affords the most economic, safe, efficient and least environmentally damaging circulation of traffic possible under existing circumstances.
 - F. The proposed name of the subdivision shall be approved by the commission, provided the name does not use a word which is the same as, similar to or pronounced the same as a word in the name of any other subdivision in Curry County, except for the words "town", "city", "place", "court", "addition", or similar words unless the land platted is contiguous to and platted by the same applicant that platted the subdivision bearing that name, or unless the applicant files and records the consent of the party who platted the subdivision bearing that name and the block numbers continue those of the plat of the same name last filed.

EXHIBIT LIST FOR APPC-2-06
ITEMS SUBMITTED at PLANNING COMMISSION HEARING
June 15, 2006

EXHIBIT	DATE:	Submitted by:	DOCUMENTS:
E 1 page	June 15, 2006	John Babin, Representative for Bruce Brothers	Aquastore NW Fax from June 13, 2006 RE: for height and gallon capacity
F 1 page	June 15, 2006	Richard Wise Representative for Bruce Brothers	Picture of water tank
G 25 pages	June 15, 2006	Submitted by Bruce Brothers Representative fom Engineered Storage Co. 345 Harvestore Drive DeKalb, IL	Cover letter dated 7, 2005 to City 9-30-06 + 24 pages
H 2 pages	June 15, 2006	Submitted by Bruce Brothers representative	12/7/05 Fed Ex receipt to HGE-Richard Norad and delivery letter
I	June 15, 2006	Submitted by J. Bischoff, Planning Director –City of Brookings	3 drawings of water tank
J 1 page	June 15, 2006	Submitted by Bruce Brothers representative	1 page Fax sheet from HGE-dated 3-7-06
K 1 sheet 4 photos	June 15, 2006	Harold & Sherry Gallaty 97673 Marina Heights Loop Brookings, OR 97415	1 Sheet-4 photos of water tank

**AquaStore NW, Inc.**

PO Box 1041, Canby, OR 97013
23115 Airport Rd. NE, SP7, Aurora, OR 97002
503.678.2533 Office - 503.678.2534 Fax

RECEIVED
JUN 15 2006
CITY OF BROOKINGS
COMMUNITY DEVELOPMENT
cm

June 13, 2006

Bruce Brothers
2078 Wharf Street
Brookings, OR 97415

Attn: Mr. Richard Wise

via fax 541-469-9230

RE: Brookings, Oregon

Dear Richard,

Confirming our telephone conversation of yesterday the tank installed on Marine Drive in Brookings is 30.77 feet in diameter and 28.43 feet in height. Total maximum capacity of this tank is 158,000 gallons. If the tank was to be lowered one ring (total of 55 inches) the eve height would decrease to 23.84 feet and the capacity would be 132,000 gallons. Removing a second ring, the eve height would be 19.26 feet and the capacity would be reduced to 107,000 gallons.

As previously discussed, in order to remove one ring we will actually have to remove two rings and then re-install the "tie-in" ring one sheet at a time. Likewise, to remove two rings we would actually have to remove three rings and then re-install the tie-in ring.

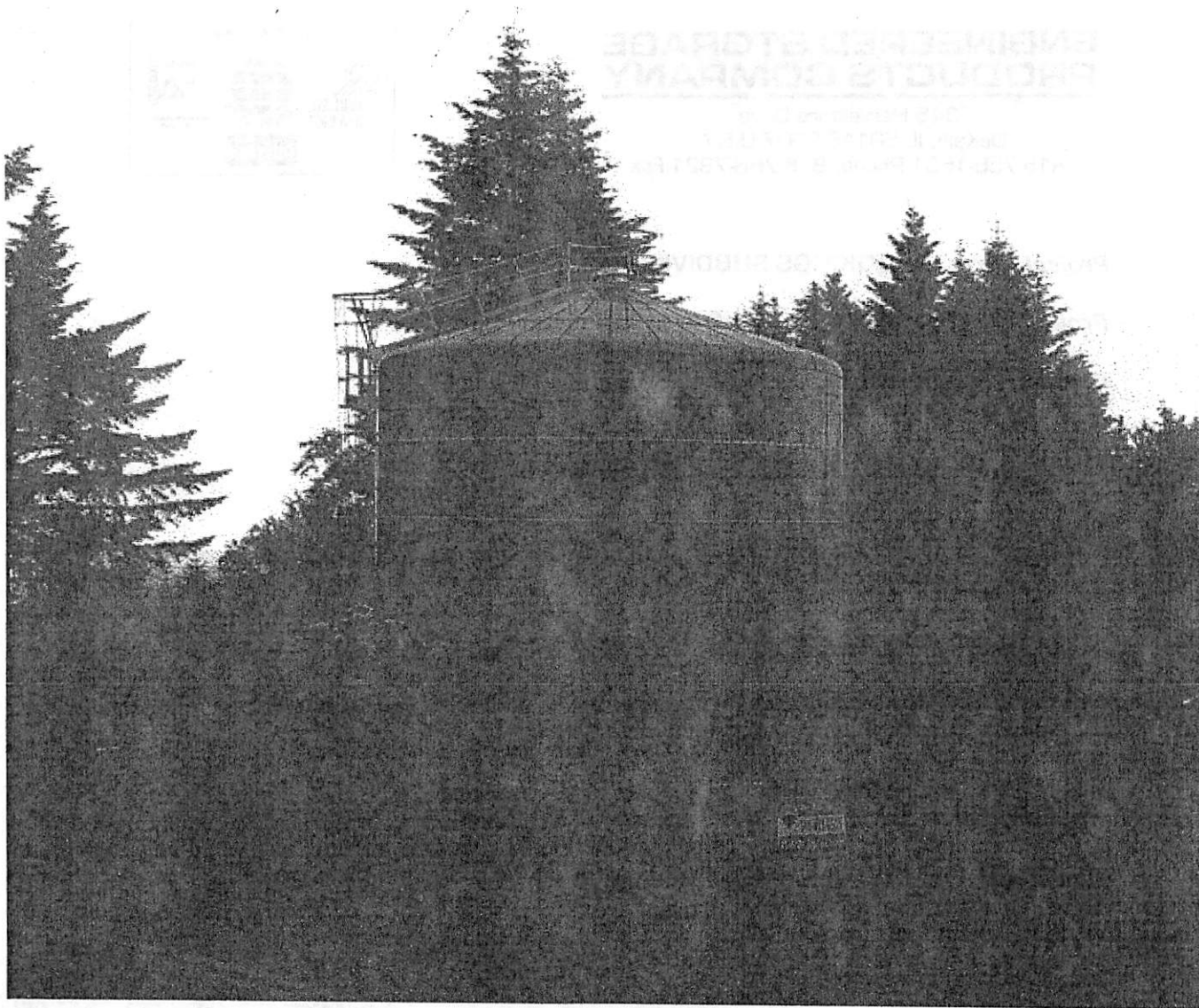
If we can be of further assistance, please do not hesitate to contact our office.

Very truly yours,

AQUASTORE N.W., INC.

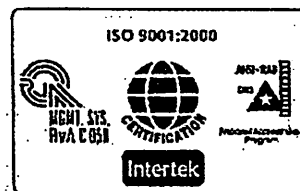
Max Marcott, P.E.
President

EXHIBIT F



ENGINEERED STORAGE PRODUCTS COMPANY

345 Harvestore Drive
DeKalb, IL 60115-9607 U.S.A.
815-756-1551 Phone, 815-756-7821 Fax



Project Name: BROOKINGS SUBDIVISION 31x28

Project Location: BROOKINGS, OR

Dealer: Aquastore N.W., Inc.
PO Box 1041
Canby, OR 97013
Phone: (503) 678-2533 Fax: (503) 678-2534

Project Number: 8042865

Project Rel. No.: 1

3128 SS Glasmed

ESPC panel interior coating:
Vitrium fused glass with Edgecoat process

ESPC panel exterior coating:
Fused glass


Shell Exterior Color: Cobalt Blue

Roof Exterior Color: Cobalt Blue

Date: 7/27/05

RECEIVED
SEP 30 2005
CITY OF BROOKINGS
COMMUNITY DEVELOPMENT
CM

This document consists of 25 pages.

Submitted by: Date:	Date: <u>7/27/05</u>  RICHARD V.D. FIELD	Date: _____ Expires: _____
--	---	----------------------------

Tank Project Drawing Index

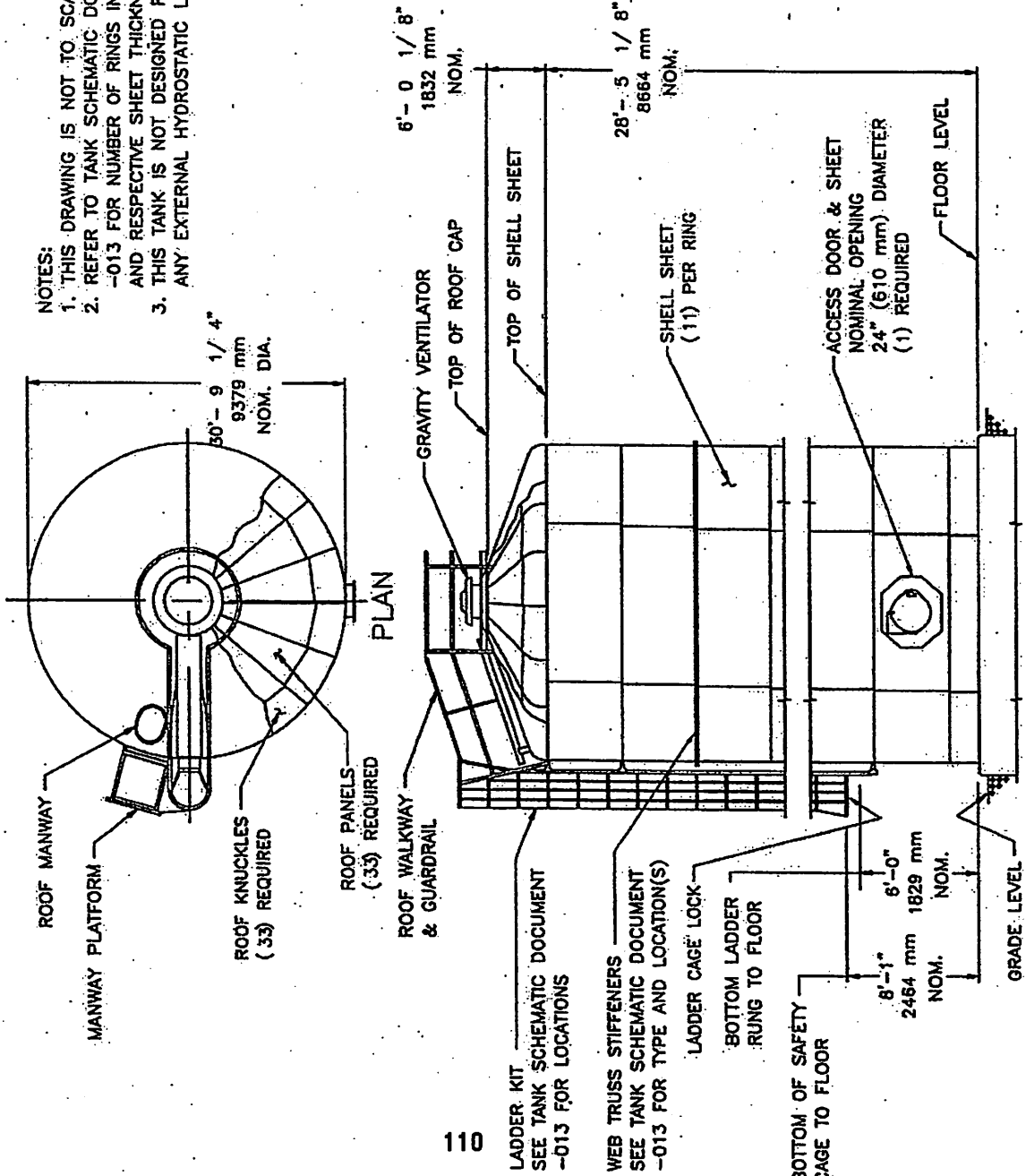
Document Number	Document Title
8042865-001	Tank Drawing
8042865-010	Tank Calculations
8042865-011	Tank General Notes
8042865-012	Tank Fastener Schedule
8042865-013	Tank Schematic
8042865-014	Tank Parts List

Foundation Project Index

8042865-002	SS Foundation Drawing
8042865-003	Anchor Bolt & Leveling Plate Placement
8042865-020	Foundation Calculations
8042865-021	Foundation General Notes
8042865-022	Foundation Construction Material
8042865-023	Foundation Parts List
8042865-024	Foundation Fastener Schedule
8042865-025	Manufacturer's Warranty

REL	DESCRIPTION
1	REL PER MIP 8042865 07/27/05
<p>ESPC PANEL INTERIOR COATING: VITRUM FUSED GLASS WITH EDGE COAT PROCESS ESPC PANEL EXTERIOR COATING: FUSED GLASS SHELL COLOR: COBALT BLUE ROOF COLOR: COBALT BLUE</p> <p>ENGINEERED STORAGE PRODUCTS COMPANY DEKALB, ILLINOIS 60115 CONFIDENTIAL THIS DRAWING IS THE PROPRIETARY PROPERTY OF ENGINEERED STORAGE PRODUCTS COMPANY AND SHALL NOT BE USED FOR REPRODUCTION WITHOUT THE EXPRESS WRITTEN CONSENT OF THE COMPANY. ESPC COPYRIGHT © 2005 ALL RIGHTS RESERVED</p> <p>FILE: 8042865A DRAWN BY DRT DATE 07/27/05</p> <p>3128 SSWT SZ IBC 2000 BROOKINGS SUBDIVISION 31 X 28 BROOKINGS, OR</p>	
DRWG NO.	8042865-001

- NOTES:
1. THIS DRAWING IS NOT TO SCALE.
 2. REFER TO TANK SCHEMATIC DOCUMENT -013 FOR NUMBER OF RINGS IN TANK AND RESPECTIVE SHEET THICKNESSES.
 3. THIS TANK IS NOT DESIGNED FOR ANY EXTERNAL HYDROSTATIC LOADING.



REL.: 1
 DATE: 07-27-05
 BY: RF

SUMMARY OF INPUT DATA

STRUCTURE MODEL	31 28	
FOUNDATION TYPE	SS	
SPECIFIC GRAVITY	1.000	
H/V PRESSURE RATIO	1.000	
FREEBOARD	0.000 in	0.000 mm
ROOF TYPE	STD	
ROOF WEIGHT	5.000 psf	24.412 kg/m2
SC ROOF HEIGHT	2.500 in	63.500 mm
DC ROOF PROJ AREA	105.410 sq ft	9.793 sq m
DC ROOF CENTROID	25.070 in	636.778 mm
TOTAL ROOF HEIGHT	72.140 in	1832.356 mm
SNOW (LIVE) LOAD	25.000 psf	1.197 kPa
WIND DESIGN	AWWA D103*(25.92 psf)*	
WIND SPEED	120.000 mph	54.000 m/s
WIND STIFFENER ANALYSIS	AWWA D103*(25.92 psf)*	
SEISMIC DESIGN	IBC 2000, Ss=2.170, S1=1.010	
SEISMIC USE GROUP II, SDs= 1.447, SD1= 0.875, SITE CLASS C		
FLAT BOTTOM GROUND SUPPORTED ANCHORED TANK.		
DESIGN BASE SHEAR, V = 0.240W		
ANALYSIS PROCEDURE:	AWWA D103-97	
ALLOWABLES USED	AWWA D103 - 97	
FLOOR O.D.	32.875 ft	10020.300 mm
FLOOR I.D.	29.375 ft	8953.500 mm

SUMMARY OF INTERNALLY ASSIGNED PARAMETERS

BOLT DIAMETER	0.500 in	12.700 mm
HOLE DIAMETER	0.5625 in	14.287 mm
TOP COURSE EDGE DIST	1.000 in	25.400 mm
CONCRETE IN FNDN	12.000 in	304.800 mm
DIST T/FTG TO B/FLR	0.000 in	0.000 mm
TOTAL FNDN THICKNESS	12.000 in	304.800 mm
SHEET DENSITY	590.000 pcf	9451. kg/m3
STEEL ELASTIC MODULUS	30000000. psi	206843. MPa
CONCRETE DENSITY	144. pcf	2307. kg/m3
NET SHEET WIDTH	105.462 in	2678.735 mm
NET STANDARD SHEET HT.	54.990 in	1396.746 mm
STARTER PANEL HEIGHT	10.170 in	258.318 mm
INVENTORY FILE USED:	WS97(6).DF	

31 28 AQUASTORE STRUCTURE DESIGN SUMMARY

COURSE	SHEET NUMBER	THICK in.	THICK mm	PLACE CODE	GEOM CODE	MAT CODE	LIMITING FACTOR(S)
1	1	0.094	2.388	1	1101	1	0
2	1	0.094	2.388	1	1101	1	0
3	2	0.099	2.515	1	1201	2	15 16
4	3	0.132	3.353	1	1201	2	41
5	4	0.164	4.166	1	1201	2	41
6	5	0.197	5.004	1	1201	2	41
FDN	13	0.197	5.004	3	6320	2	0

WIND STIFFENERS REQUIRED:

STIFFENER AT BOTTOM OF COURSE	1 SECT. MOD. =	0.636 cu in	10425.782 mm3
STIFFENER AT BOTTOM OF COURSE	2 SECT. MOD. =	0.625 cu in	10239.573 mm3

STRUCTURE DIAMETER	=	30.77 ft	9379.35 mm
HEIGHT OF STRUCTURE TO EAVE	=	28.43 ft	8664.19 mm
SLOSHING WAVE HEIGHT	=	1.70 ft	519.27 mm
VOLUME OF STRUCTURE TO EAVE	=	21141. cu ft	599. m3
VOLUME OF CONTENTS	=	21141. cu ft	599. m3
VOLUME OF CONTENTS	=	158143. gal	598637. L
VOLUME OF CONCRETE FND.	=	849. cu ft	24. m3

WEIGHT OF EMPTY CYLINDER ABOVE FLOOR	=	17783. lb	8066. kg
WEIGHT OF ROOF	=	3719. lb	1687. kg
SNOW (LIVE) LOAD	=	18593. lb	8434. kg
WEIGHT OF CONTENTS	=	1319177. lb	598368. kg
FOUNDATION WEIGHT	=	122232. lb	55443. kg
TOTAL WEIGHT ON FOOTING	=	1481503. lb	671998. kg

WIND SHEAR AT TOP OF FOOTING	=	25116. lb	111721. N
WIND MOMENT AT TOP OF FOOTING	=	422057. ft-lb	572. kN-m
SEISMIC SHEAR AT TOP OF FOOTING	=	323290. lb	1438066. N
SEISMIC MOMENT AT TOP OF FOOTING	=	4058585. ft-lb	5503. kN-m

HOOP STRESS ANALYSIS

STRESS - PSI								
COURSE	DEPTH FT	PRESS PSI	NET TENS	ALLOW TENS	HOLE BEAR	ALLOW BEAR	BOLT SHEAR	ALLOW SHEAR
1	4.7	2.0	5410.	14566.	16799.	40500.	4021.	18163.
2	9.2	4.0	10724.	14566.	33297.	40500.	7970.	18163.
3	13.8	6.0	15227.	25400.	23640.	67500.	5960.	18163.
4	18.4	8.0	15204.	25400.	23605.	67500.	7934.	18163.
5	23.0	10.0	15283.	25400.	23727.	67500.	9909.	29454.
6	27.6	12.0	15259.	25400.	23689.	67500.	11884.	29454.
FND	28.4	12.3	14150.	25400.	20479.	67500.	10273.	29454.

AXIAL STRESS ANALYSIS

STRESS - PSI						
COURSE	AXIAL COMP	ALLOW COMP	HOLE BEAR	ALLOW BEAR	BOLT SHEAR	ALLOW SHEAR
1	223.	1001.	2244.	40500.	537.	18163.
2	242.	1001.	2432.	40500.	582.	18163.
3	249.	1053.	2498.	67500.	630.	18163.
4	205.	1396.	2062.	67500.	693.	18163.
5	184.	1724.	1848.	67500.	772.	29454.
6	172.	2058.	1727.	67500.	866.	29454.
FND	175.	2058.	881.	67500.	442.	29454.

WIND STRESS ANALYSIS

COURSE	STRESS - PSI							
	AXIAL COMP	WIND BEND	TOTAL COMP	ALLOW COMP	HOLE BEAR	ALLOW BEAR	BOLT SHEAR	ALLOW SHEAR
1	53.	30.	83.	1335.	834.	54000.	200.	24217.
2	72.	74.	145.	1335.	1461.	54000.	350.	24217.
3	87.	130.	217.	1404.	2183.	90000.	550.	24217.
4	84.	157.	241.	1861.	2423.	90000.	814.	24217.
5	86.	186.	272.	2299.	2735.	90000.	1142.	39272.
6	91.	214.	304.	2744.	3057.	90000.	1533.	39272.
FND	94.	226.	320.	2744.	1606.	90000.	806.	39272.

SEISMIC STRESS ANALYSIS

COURSE	STRESS - PSI							
	AXIAL COMP	SEIS BEND	TOTAL COMP	ALLOW COMP	HOLE BEAR	ALLOW BEAR	BOLT SHEAR	ALLOW SHEAR
1	53.	70.	122.	1335.	1229.	54000.	294.	24217.
2	72.	348.	420.	1335.	4218.	54000.	1010.	24217.
3	87.	830.	917.	1404.	9211.	90000.	2322.	24217.
4	84.	1183.	1267.	1861.	12722.	90000.	4276.	24217.
5	86.	1552.	1638.	2299.	16456.	90000.	6872.	39272.
6	91.	1986.	2077.	2744.	20859.	90000.	10464.	39272.
FND	94.	2132.	2226.	2744.	11178.	90000.	5607.	39272.

	STRESS - PSI		
COURSE	HDYN HOOP	TOTAL HOOP	ALLOW TENS
1	1736.	7146.	19421.
2	2516.	13240.	19421.
3	2880.	18107.	33867.
4	2377.	17582.	33867.
5	1963.	17246.	33867.
6	1630.	16888.	33867.
FND	1630.	15779.	33867.

TANK DESIGN SPECIFICATIONS

This tank is designed in accordance with the AWWA Standard D103-97.

COATINGS SPECIFICATIONS

Coatings used on components of this tank are in compliance with the appropriate sections of AWWA Standard D103.

STRUCTURE BOLT SPECIFICATIONS

Structure bolts are carbon steel, zinc coated, with 1/2"-13 UNC-2A thread, and conform to AWWA D103, Section 2.2.1, as noted below:

- A. 1 inch long bolts conform to the mechanical properties of SAEJ429, Grade 2 - exceeding the mechanical properties of ASTM A307.
- B. 1-1/4 inch long bolts conform to the mechanical properties of SAEJ429, Grade 5 - equivalent to the mechanical properties of ASTM A325.
- C. 1-1/2 inch long and longer bolts conform to the mechanical properties of SAEJ429, Grade 8 - equivalent to the mechanical properties of ASTM A490.

APPURTENANCE AND PIPING ORIENTATION

Orientation of all appurtenances and piping connections shall be established in the field.

THROUGH-THE-SHEET PENETRATIONS

All openings through the tank side wall greater than 4 inches (102mm) in diameter shall be reinforced in accordance with AWWA D103, Section 3.11. All openings through sheets having less than 24 inches (610 mm) between horizontal bolt lines, or having less than 24 inches (610 mm) of available sheet space from the floor surface up to the first horizontal bolt line shall not exceed a diameter of 4 inches (102 mm). These openings of 4 inches (102 mm) and less shall be reinforced in accordance with AWWA D103, Section 3.11.

LADDER AND ROOF SPECIFICATIONS

The ladder and roof walkway systems are manufactured in compliance with AWWA Standard D103 Section 5.4. In addition, the tank ladder side rails are fabricated from AA alloy 6061-T6 aluminum while the ladder rungs are fabricated from AA alloy 6061-T4 aluminum.

ROOF MANWAY OPENING

Field cut roof manway opening from roof panel and/or roof knuckle using the outside edges of the prepunched notches and holes as the opening outline. (Do not use a cutting torch to perform this operation.) Apply sealer to the appropriate roof surfaces and field cut edges.

CATHODIC PROTECTION SPECIFICATIONS

This tank is equipped with a cathodic protection system. This system is designed to protect the items described below.

Entire submerged portion of tank sidewall and floor area including appurtenances supplied by the tank manufacturer. Submerged uncoated metal objects not supplied by the tank manufacturer totaling: 20.0 sq. ft.

Submerged coated metal objects not supplied by the tank manufacturer totaling: 0.0 sq. ft.

This system is suitable for use in liquid having a resistivity of 4500-5500 ohm-centimeters.

Field verification of liquid resistivity is required after the tank is placed into service.

The performance of the cathodic protection system may be adversely affected if the system is operated outside the resistivity range above.

The presence of submerged uncoated metallic items, for which cathodic protection has not been provided by the tank supplier, may also adversely affect the performance of the cathodic protection system.

Electrical isolation and/or the determination of the cathodic protection requirements for such submerged items shall be the responsibility of the owner or the owner's designated agent.

Tank warranty issues may also be affected.

For further information, refer to the instructions provided with the cathodic protection system.

Structure bolt quantities at (H)orizontal and (V)ertical seams

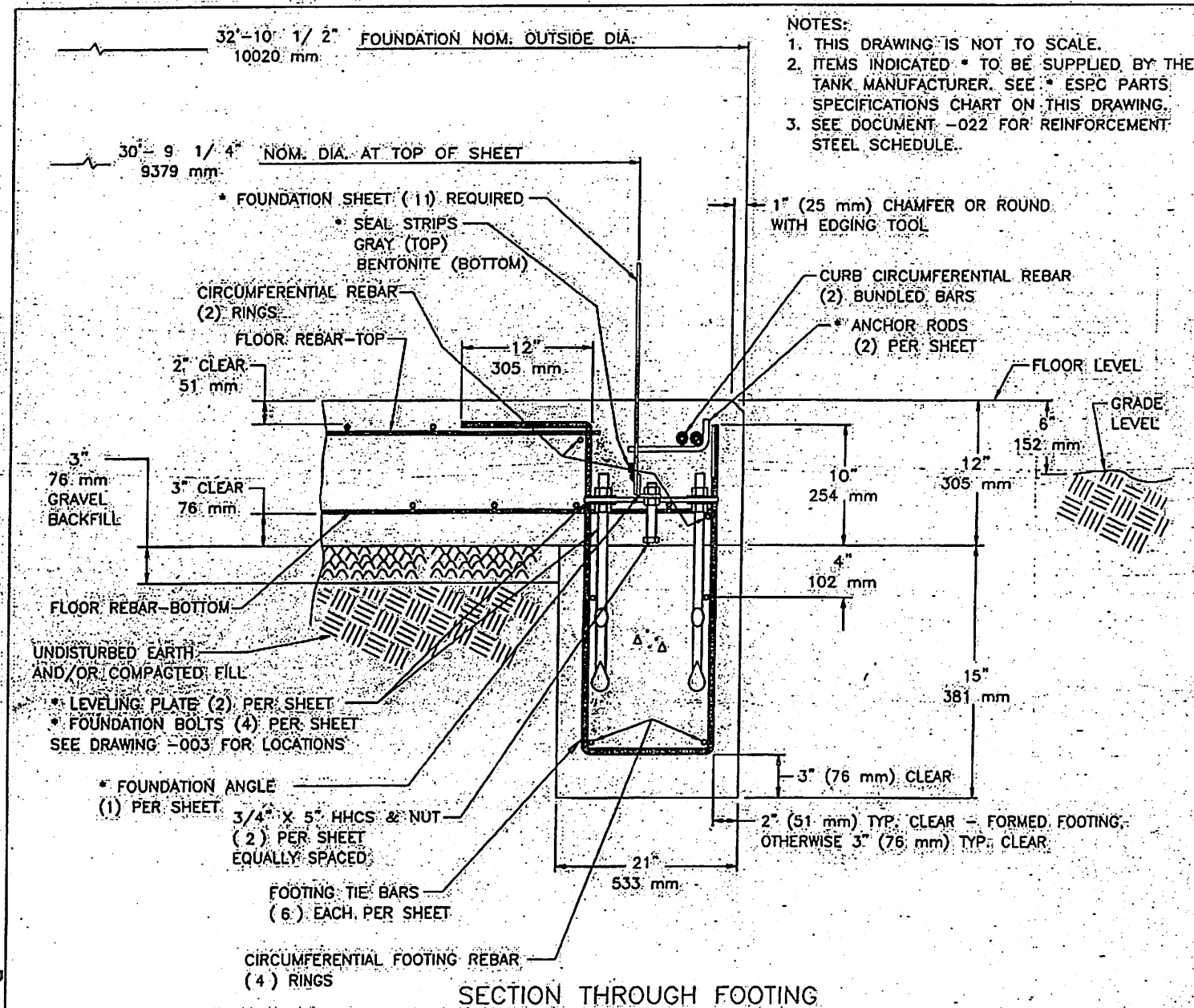
BOLT LENGTHS: (mm)	Thru the sheet fasteners						Truss Fasteners		
	1"	1 1/2"	1 3/4"	1 5/8"	2"	2 1/4"	1 3/4"	2 1/4"	3"
	25.40	31.75	38.10	44.45	50.80	57.15	31.75	57.17	76.20
							C.S.	C.S.	C.S.
GRAVITY VENT	24								
CAP	66								
PANEL/KNUCKLE	1815								
MANWAY		16							
SEAM Wide H 1	226	5	0	0	0	0	0	0	0
SEAM V 1	275	0	0	0	0	0	0	0	0
SEAM Wide H 2	139	103	0	0	0	0	154	0	0
SEAM V 2	275	0	0	0	0	0	0	0	0
SEAM Wide H 3	143	99	0	0	0	0	154	0	0
SEAM V 3	561	0	0	0	0	0	0	0	0
SEAM Wide H 4	218	24	0	0	0	0	0	0	0
SEAM V 4	561	0	0	0	0	0	0	0	0
SEAM Wide H 5	220	22	0	0	0	0	0	0	0
SEAM V 5	0	561	0	0	0	0	0	0	0
SEAM Wide H 6	0	218	24	0	0	0	0	0	0
SEAM V 6	0	561	0	0	0	0	0	0	0
SEAM Fnd. H 7	0	220	22	0	0	0	0	0	0
ACCESS DOOR	0	0	0	30	0	0	0	0	0
REINFORCING PLT.	0	0	74	0	0	0	0	0	0
TOTALS	4523	1829	120	30	0	0	308	0	0

Note: All brackets located at top of specified ring.

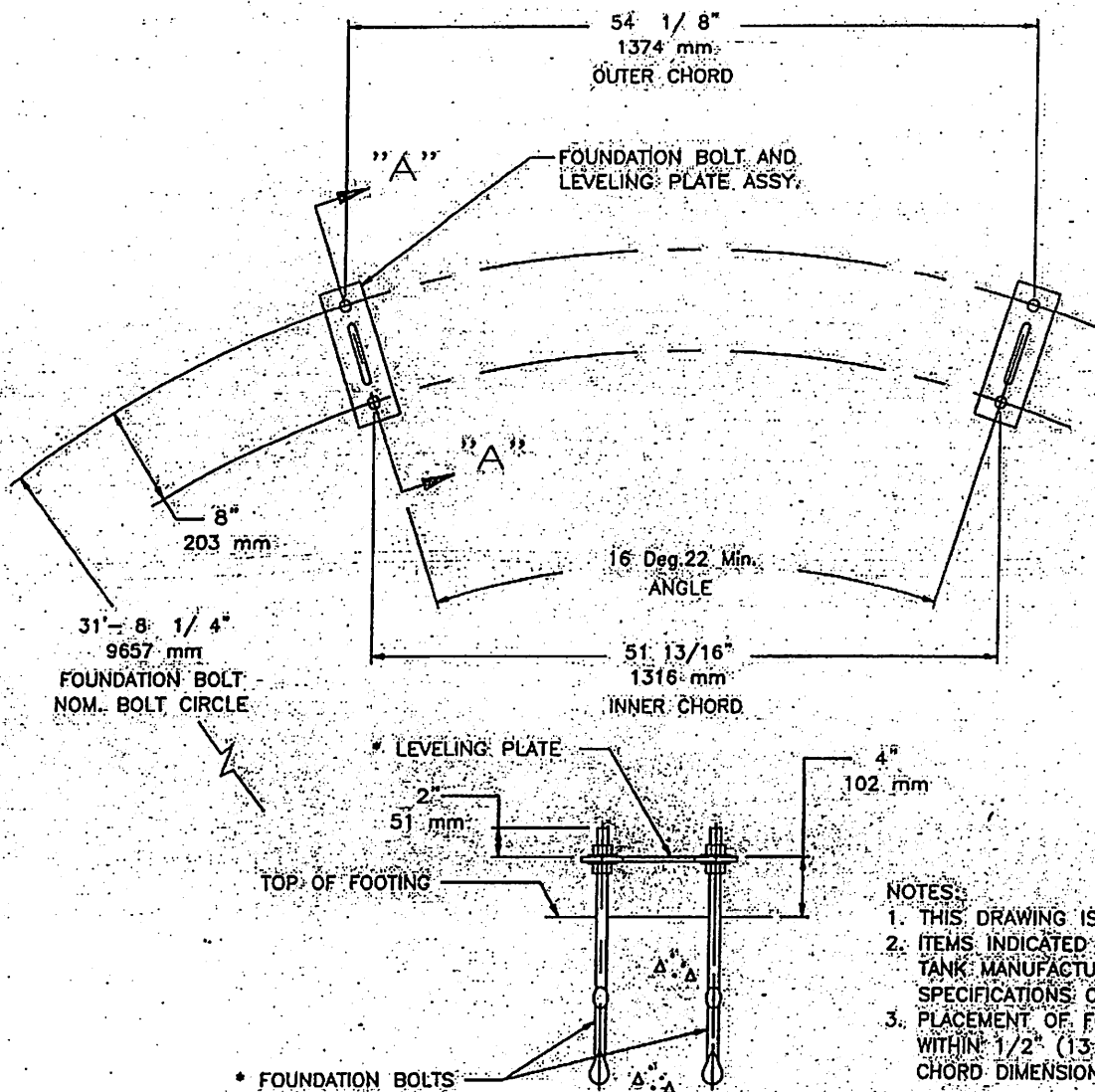
RING #	SHEET THICK.	BRKT. TYPE	BRKT. QTY.	VERTICAL BOLT LINE	SHELL SHEET PART NO.
RING # 1	0.094" (2.388 mm)	Y-BRKT	4	1V	256047K0100
---(TYPE 3 TRUSS #261847)					
RING # 2	0.094" (2.388 mm)	U-BRKT	4	1V	256047K0100
---(TYPE 3 TRUSS #261847)					
RING # 3	0.099" (2.515 mm)	NONE	0	2V	256050-0100
RING # 4	0.132" (3.353 mm)	Y-BRKT	2	2V	256050-1200
RING # 5	0.164" (4.166 mm)	NONE	0	2V	256050-0500
RING # 6	0.197" (5.004 mm)	Y-BRKT	2	2V	256050-1300
FND	0.197" (5.004 mm)	NONE	0	3V	See ind. parts list

ITEM	QTY	PART No	DESCRIPTION
	1	8042865-001	TANK ASSEMBLY
1	1	8042865-002	FOUNDATION ASSEMBLY
2	1	266147J2300	ROOF CAP
3	33	251119J2200	ROOF PANEL, COLOR
4			
5	32	253916J2200	ROOF KNUCKLE, COLOR
6	1	266113J2206	ROOF KNUCKLE W/MANWAY C-OUT, COLOR
7			
8	99	263156-001	PLASTIC ENCAPSULATED NUT
9	1	255469-000	GRAVITY VENTILATOR
10	1	258028-000	ROOF GUARDRAIL ASSEMBLY
11	1	264391-000	MANWAY PLATFORM ASSEMBLY
12	1	263883-000	ROOF MANWAY ASSEMBLY
13	5	267692-000	EDGE TRIM
14			
15			
16			
17	1	258447-003	LADDER W/CAGE KIT
18	1	264769-000	LADDER DOOR ASSEMBLY
19			
20			
21	1	259811-003	GASKET, 24"
22	2	266214-1300	REINFORCING PLATE, 197"
23			
24			
25			
26			
27			
28			
29			
30			
31			
32	154	261847-000	WEB TRUSS, 3"
33			
34			
35			
36			
37			
38			
39			
40			
41			
42			
43			
44			
45	4523	262000-001	STRUCTURE BOLT, 1" BLACK
46	1829	262000-002	STRUCTURE BOLT, 1 1/4" BLACK
47	120	262000-003	STRUCTURE BOLT, 1 1/2" BLACK
48	30	262000-004	STRUCTURE BOLT, 1 3/4" BLACK
49			
50			
51	308	262415-001	HHCS 1/2" X 1 1/4" SPCL FNSH
52			

ITEM	QTY.	PART No.	DESCRIPTION
53			
54	308	261974-000	WASHER, SPECIAL
55	6557	252275-000	WASHER, 1/2"
56	6403	262416-001	HEX NUT, 1/2" HDZ
57	308	263525-001	HEX NUT, 1/2" MDZ
58			
59	140	265777-203	SEALER 98, 20 oz (BLACK)
60	6	264913-000	BUSS BAR
61	1	266880-000	CP INITIAL INSPECTION PROCEDURES
62	1	266818-000	CP PERIODIC INSPECTION PROCEDURES
63	7	266680-000	CATHODIC PROT. SYSTEM - MAG.
64			
65			
66	3	262778-000	DANGER DECAL
67	2	257249-000	INFORMATION SIGN
68	1	266182-000	NAMEPLATE
69	1	262355-000	OPERATORS MANUAL
70	3	262166-000	IMPORTANT DECAL
71	3	260581-000	TANK MOD. WARNING DECAL
72	1	265307-000	INSPECTION & MAINT. REVIEW
73			
74	4	260910-000	"Y" BRACKET ASSY. SET (SHORT)
75	2	264830-000	"U" BRACKET ASSY. SET (SHORT)
76			
77			
78			
79			
80			
81	1	266216-1302	24" ROUND ACCESS DOOR SHEET
82			
83	1	259813-031	24" ACCESS DOOR, NORMAL DUTY
84			
85			
86	22	256047K0100	SHELL SHEET .094" HRS.
87	11	256050-0100	SHELL SHEET .099" HSLA
88			
89	11	256050-1200	SHELL SHEET .132" HSLA
90	11	256050-0500	SHELL SHEET .164" HSLA
91	10	256050-1300	SHELL SHEET .197" HSLA
92			
93			
94			
95			
96			
97			
98			
99			
100			
101			
102			
103			
104			
105			
106			
107			



REL	DESCRIPTION
1	REL PER MIP 8042865 07/27/05
* ESPC PARTS SPECIFICATIONS	
ANCHOR RODS	IN. 1/2" DIA. mm 13 DIA.
FOUNDATION ANGLES	IN. 2" X 2" X 1/4" mm 51 X 51 X 6
LEVELING PLATES	IN. 3/8" X 3-1/2" X 11 mm 10 X 89 X 279
FOUNDATION BOLTS	IN. 3/4" DIA X 18 LG. mm 19 DIA X 457 LG.
ENGINEERED STORAGE PRODUCTS COMPANY DEKALB, ILLINOIS 60115 CONFIDENTIAL THIS DRAWING IS THE PROPRIETARY PROPERTY OF ENGINEERED STORAGE PRODUCTS COMPANY AND SHALL NOT BE USED OR REPRODUCED WITHOUT THE EXPRESS WRITTEN CONSENT OF THE COMPANY. ESPC COPYRIGHT © 2005 ALL RIGHTS RESERVED.	
FILE:	80428658
DRAWN BY DRT DATE	07/27/05
31" SS FND SZ IBC 2000 BROOKINGS SUBDIVISION 31 X 28 BROOKINGS, OR	
DRWG NO.	8042865-002



NOTES:

1. THIS DRAWING IS NOT TO SCALE.
2. ITEMS INDICATED * TO BE SUPPLIED BY THE TANK MANUFACTURER. SEE * ESPC PARTS SPECIFICATIONS CHART ON DRAWING -002.
3. PLACEMENT OF FOUNDATION BOLTS TO BE WITHIN 1/2" (13 mm) OF INDICATED CHORD DIMENSIONS.

FOOTING FOUNDATION BOLT
AND LEVELING PLATE LOCATIONS

REL	DESCRIPTION
REL PER MIP 8042865 07/27/05	
ENGINEERED STORAGE PRODUCTS COMPANY	
DEKALB, ILLINOIS 60116 CONFIDENTIAL THIS DRAWING IS THE PROPRIETARY PROPERTY OF ENGINEERED STORAGE PRODUCTS COMPANY AND SHALL NOT BE USED NOR REPRODUCED WITHOUT THE EXPRESS WRITTEN CONSENT OF THE COMPANY. ESPC COPYRIGHT © 2005 ALL RIGHTS RESERVED.	
FILE:	8042865G
DRAWN BY DRT	
DATE	07/27/05
31 SS FND SZ IBC 2000 BROOKINGS SUBDIVISION 31 X 28 BROOKINGS, OR	
DRWG NO.	8042865-003

Tank Foundation Design

TANK DESIGNATION:	8042865	Engineer: RF	7/27/05
Tank Diameter (ft):	30.77	Design per:	ACI 318
Contents Height (ft):	28.43	Tank Type:	Embedded
Slab Thickness (in):	12	Embedded sheet thickness (in):	0.197
Slab O.D. (ft):	32.88	Embedment depth (in):	6.75
Foundation Depth (in):	12	Top Bar Extends Into Curb:	No
Footer Depth (in):	15	Bottom Bar Extends Into Curb:	Yes
Footer Width (in):	21	Self or Center Supported Roof:	Self
Allowable soil pressure (psf):	2500	Specific Gravity of Contents:	1.00
Wind Moment (ft-lb):	422,057	Subgrade Modulus - k_s (pci):	60
Seismic Moment (ft-lb):	4,058,585	Coeff. Active pressure - K_a :	0.3
Weight of Tank (lbs):	17,783	Concrete strength - f_c (psi):	3000
Weight of Roof (lbs):	3,719	Yield strength of steel (ksi):	60
Snow Load (psf):	25		

RESULTS:

Soil pressure under dead and live load =	1838 psf	<=	2500 psf (Allowable)
Dead load plus seismic moment =	3157 psf	<=	3333 psf (4/3 * Allowable)
Dead load minus seismic moment =	447 psf		No Uplift
Shear stress at inside of footer =	69 psi	<=	93 psi Shear Strength
F.S. Overturning - Seismic w/ 45° line:	1.61	>=	1.0 Required
F.S. Overturning - Wind:	6.80	>=	1.5 Required

A_s - foundation (both ways):		
top layer:	0.37 sq.in./ft.	[#5 @ 10" o.c.]
bottom layer:	0.55 sq.in./ft.	[#6 @ 9.5" o.c.]
A_s - curb area:	1.33 sq.in.	[2 - #8]
A_s - footer bottom layer:	0.94 sq.in.	[2 - #7]
A_s - hoop steel:	0.26 sq.in.	[2 - #7]
A_s - vertical tie bars (2 legs):	0.27 sq.in./ft.	[#4 @ 17.5" o.c.]
A_s - suppl. tie bars:	0.25 sq.in./ft.	[#4 @ 9" o.c.]
Weight of steel in tie bars:	552 lbs	
Weight of foundation:	122,256 lbs	
Volume of foundation:	849 cf	
Weight of footer:	30,805 lbs	
Volume of footer:	214 cf	

Foundation Sheet Anchor System Design

PROJECT NUMBER:
PROJECT LOCATION:
TANK SIZE:

8042865
BROOKINGS, OR
3128WT

Anchor capacity is based on 3/4" ASTM A325 hex head bolt embedded in 3000 psi concrete per ACI 349, Appendix B. Anchors are evenly spaced along foundation angle which is attached to tank foundation sheet.

Anchor System Capacity, (kips)				
Footing		No. of Anchors per Sheet		
Type	Min. Edge Distance	2	3	6
1	9" (15" SS/MS)	49.6	74.4	148.8
2	10.5" (18" SS/MS)	71.8	107.7	215.4
3	12" & greater (HS/HHS)	80.0	120.0	240.0

LARGER OF WIND OR SEISMIC BENDING STRESS, per tank analysis, psi:

2132

AXIAL COMPRESSIVE STRESS, per tank analysis, psi:

94

FOUNDATION SHEET THICKNESS, per tank analysis, t, in.:

0.197

$P_u, \text{TOTAL ANCHOR LOAD} = \frac{[1.7(\text{bending stress}) - 1.4(\text{axial stress})] t (105.5)}{1000}$

$P_u = 72.6$ kips

FOOTING TYPE:

3

NUMBER OF ANCHORS REQUIRED PER SHEET:

2

Minimum guidelines and specifications are given below. The owner or the owner's designated agent may amend or modify these guidelines and specifications, but in no case shall the requirements be less than those given below.

SITework

1. Clear the site of all vegetation, organic materials, rubbish, debris, and other foreign or objectionable materials above the ground surface. Remove all stumps, large roots, buried logs, and other objectionable materials below the ground surface.
2. Soil beneath the entire tank shall have a minimum bearing capacity of 2500 PSF (119701 Pa) and shall be suitable in all respects to properly support the tank as determined by a qualified professional retained by the owner or the owner's designated agent.
3. Compact the subsoil to site specifications.
4. Orientation of connecting piping shall be established in the field.
5. Place all underground piping. Backfill and compact to site specifications. Inlet/outlet piping may penetrate ring walls provided the hole size is less than or equal to one half the wall height; all details of reinforcement cushioning needs, thrust blocks, and encasement shall be provided by others. Otherwise, all piping must pass beneath the footing unless the footing/foundation system has been designed and fully detailed by others to accommodate both a pipe passing through it and the proper transfer of tank loads to the supporting soil.
6. If conditions exist which require footing and/or floor design details differing from those shown on the drawings herein, such new design and details shall be provided by the owner or the owner's designated agent. Engineered Storage Products Company can not show details on its drawings other than those derived as a result of the design efforts of its own Engineering Department.

CONCRETE WORK

1. Concrete work shall conform to the requirements of ACI 301-99, Specifications for Structural Concrete, except as modified by the supplemental requirements noted below.
2. Concrete shall attain an ultimate 28 day compressive strength of 3000 PSI (20684 KPa).
3. Reinforcing bars shall conform to ASTM A615, grade 60. Welding of bars is not permitted. Field bending of partially embedded reinforcing bars shall conform to Section 3.3.2.8.
4. Cement shall conform to ASTM C150, Type I or Type II with air entraining admixture per ASTM C260 added at the mixer to achieve 4-6% by volume of entrained air at the point of concrete placement.
5. Maximum aggregate size shall be 1 1/2" (38 mm). Fine and coarse aggregate shall conform to ASTM C33 with the restrictions on reactive materials specified in paragraphs 7.3 and 11.2 applying.
6. Ready mixed concrete shall conform to ASTM C94, Option A. The supplier shall be responsible for determining the proportions used in the concrete mix.
7. Earth cuts may be used as formwork for footings only; provided the footing depth does not exceed 48" (1219 mm).
8. Finished surfaces:
 - A. Rough form finish is acceptable for vertical surfaces.
 - B. Floated finish is required for the floor surface.
9. The following sections of ACI 301-99 do not apply:
 - 6 - Architectural Concrete
 - 7 - Lightweight Concrete
 - 8 - Mass Concrete
 - 9 - Prestressed Concrete
 - 10 - Shrinkage-compensating Concrete

These materials are to be furnished by the builder. Quantities are estimated.

The total rebar requirements must be calculated and will depend upon the number of splices.

Changing the floor or footing design, from what is called out in this submittal, may affect the rebar and splice requirements.

FLOOR MATERIAL REQUIREMENTS

FLOOR CIRCUMFERENTIAL REBAR-

- | | | |
|-------------------------------------|--------------------|----------|
| 1. Size of rebar: | # 5 (1.043 lbs/ft) | |
| 2. Total rebar qty. without splice: | 193 ft. | 58933 mm |
| 3. Splice length: | 27 in. | 686 mm |

CURB CIRCUMFERENTIAL REBAR IN FLOOR-

- | | | |
|-------------------------------------|--------------------|----------|
| 1. Size of rebar: | # 8 (2.670 lbs/ft) | |
| 2. Total rebar qty. without splice: | 197 ft. | 59970 mm |
| 3. Splice length: | 90 in. | 2286 mm |

FLOOR REINFORCING STEEL-TOP

- | | | |
|-------------------------------------|--------------------|-----------|
| 1. Size of rebar: | # 5 (1.043 lbs/ft) | |
| 2. On center both ways dim.: | 10.0 in. | 254.0 mm |
| 3. Total rebar qty. without splice: | 1785 ft. | 544057 mm |
| 4. Splice length: | 27 in. | 686 mm |

FLOOR REINFORCING STEEL-BOTTOM

- | | | |
|-------------------------------------|--------------------|-----------|
| 1. Size of rebar: | # 6 (1.502 lbs/ft) | |
| 2. On center both ways dim.: | 9.5 in. | 241.0 mm |
| 3. Total rebar qty. without splice: | 2079 ft. | 633679 mm |
| 4. Splice length: | 32 in. | 813 mm |

CONCRETE IN FLOOR-

- | | | |
|-------------------------------|---------------|---------|
| 1. Per 12. " depth (304.8 mm) | 31.4 cu. yds. | 24.0 m3 |
|-------------------------------|---------------|---------|

These materials are to be furnished by the builder. Quantities are estimated.

The total rebar requirements must be calculated and will depend upon the number of splices.

Changing the floor or footing design from what is called out in this submittal, may affect the rebar and splice requirements.

FOOTING MATERIAL REQUIREMENTS

CIRCUMFERENTIAL FOOTING REBAR-

1. Qty. rebar:	4	
2. Size of rebar:	#7 (.2044 lbs/ft)	
3. Total rebar qty. without splice:	391 ft.	119216 mm
4. Splice length:	38 in.	965 mm

FOOTING TIE BARS-

1. Qty. of rebars (per sheet):	6	
2. Size of rebar:	#4 (.668 lbs/ft)	
3. Total rebar qty.:	358 ft.	108966 mm

CONCRETE IN FOOTING-

1. Per 1" depth (25.4 mm)	.5 cu. yds.	.4 m3
---------------------------	-------------	-------

GRAVEL-

1. Per 3." Depth (76.2 mm)	6.3 cu. yds.	4.8 m3
----------------------------	--------------	--------

ITEM	QTY.	PART No.	DESCRIPTION
-	1	8042865-002	SS FOUNDATION ASSEMBLY
1	11	261712-1300	1970" FND. SHT. HSLA
2	11	265623-031	FOUNDATION ANGLE
3	11	266258-000	SPLICE ANGLE
4	11	261067-002	TAPERED SPACER
5			
6			
7			
8	22	081970-006	HHCS, 3/4" X 5"
9	44	013543-060	HEX NUT, 3/4"
10	44	013713-003	FOUNDATION BOLT, 3/4"
11	88	013542-005	WASHER, STD, 3/4"
12	88	013543-006	HEX NUT, 3/4"
13	22	257516-000	LEVELING PLATE
14			
15	22	019030-000	ANCHOR ROD, 1/2"
16			
17	12	252488-000	SEAL STRIP
18	40	265777-203	SEALER 98, 20 oz (BLACK)
19			
20	6	266030-000	BENTONITE SEAL STRIP
21			
22	1	253730-002	SEALER PRIMER
23			
24			
25			
26			
27			
28			
29			
30			
31			
32			
33			
34			
35	22	017500-086	CAP SCREW 1/2" X 1 3/4"
36			
37			
38	550	262000-002	STRUCTURE BOLT 1 1/4" BLACK
39	77	262000-003	STRUCTURE BOLT 1 1/2" BLACK
40			
41	693	262416-001	HEX NUT, 1/2" HDZ
42	715	252275-000	WASHER, 1/2"
43			
44			
45			
46			
47			
48			
49			

Document Number: 8042865-024 Rel.: 1

Title: End Fastener Schedule

BOLT LENGTHS:	1"	1 1/4"	1 1/2"	1 3/4"	Anchor
(mm)	25.40	31.75	38.10	44.45	Rods
VERTICAL	0	176	0	0	22
HORIZONTAL	0	374	77	0	

Engineered Storage Products Company

Manufacturer's Limited Warranty

Five-Year Warranty

Engineered Storage Products Company ("ESPC") warrants that an Aquastore® brand liquid storage tank will be free from defects in workmanship and materials, under normal and proper use, maintenance and operation, during the period expiring on the earlier of (i) five years after liquid is first introduced into the tank or (ii) 62 months after shipment from the factory, if the tank is purchased with an Aquastore brand cathodic protection system.

Limitations and Conditions

ESPC's Limited Warranty is subject to the following limitations and conditions:

- ESPC's Limited Warranty shall remain in effect only as long as the tank is used for the storage of municipal potable water or municipal sewage waste water. ESPC's Limited Warranties shall become void and terminate should the tank be used for storage of any other liquid.
- ESPC's Limited Warranty does not cover damage caused by shipping, handling or tank erection, or damage caused by operating or maintenance activities. ESPC makes no warranty about and shall not be responsible for any defects in erection or installation of a tank.
- ESPC's Limited Warranty shall become void and terminate if any alterations are made to the tank without the prior written approval of ESPC.
- ESPC's Limited Warranty shall become void and terminate if the tank is not used, operated and maintained in accordance with the requirements stated in the ESPC Operating Manual(s) supplied with the tank, or if the tank is damaged or subject to any abuse, misuse or vandalism.

Limitation of Remedies

In the event of any failure of any Aquastore brand liquid storage tank to perform as warranted in the Limited Warranty, the sole and exclusive obligation of ESPC shall be, at its sole option, either to repair the tank or repair or replace (FOB factory) any part of the tank which is defective.

IN NO EVENT SHALL ESPC BE LIABLE (WHETHER FOR BREACH OF WARRANTY OR CONTRACT, FOR STRICT LIABILITY OR NEGLIGENCE, OR OTHERWISE) FOR ANY SPECIAL, INCIDENTAL, PUNITIVE OR CONSEQUENTIAL DAMAGES, INCLUDING, BUT NOT LIMITED TO, DAMAGES FOR LOSS OF CONTENTS OR LOSS OF PROFITS, OR FOR THE CONDITION OR QUALITY OF LIQUID STORED IN THE TANK, OR FOR ANY INABILITY OF OWNER TO PROVIDE PRODUCT OR SERVICE TO ANY CUSTOMER OF OWNER.

Any action against ESPC for breach of warranty or contract, or for strict liability, negligence or otherwise relating to a tank, must be commenced within one year after such cause of action accrues.

Any Warranty claim shall be made to ESPC in writing. Once a claim has been made, ESPC shall have the right to perform on-site inspections of the tank. If ESPC chooses to do repair work (which, for purposes of this paragraph, shall include repairing or replacing defective parts) on the tank, ESPC shall be granted permission to perform such work with its own service personnel or personnel of others, and under nonunion conditions unless ESPC otherwise agrees. Any repairs made to a tank before ESPC is notified of a claim shall be at the Owner's expense. Preparation for inspection or repair of a tank (such as removing the contents and obstructive equipment in the tank) shall be the sole responsibility and expense of Owner. Preparation of the tank for use after repair shall be the sole responsibility and expense of the Owner.

Disclaimers

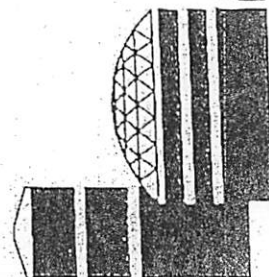
EXCEPT FOR THE LIMITED WARRANTY SET FORTH ABOVE, THERE ARE NO UNDERSTANDINGS, AGREEMENTS, REPRESENTATIONS OR WARRANTIES, EITHER EXPRESS OR IMPLIED, RESPECTING THE AQUASTORE BRAND LIQUID STORAGE TANK. ESPC EXPRESSLY DISCLAIMS THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.

ESPC's Authorized Dealers are independent contractors and are not agents or employees of ESPC. No statement by any ESPC Authorized Dealer or any ESPC employee shall constitute an understanding, agreement, representation or warranty by ESPC. ESPC makes no warranty with respect to goods manufactured by others, even if sold by an ESPC Authorized Dealer.

This Limited Warranty and related limitations and disclaimers cannot be modified or amended by an ESPC Authorized Dealer, and can be modified or amended only by written document signed by an authorized ESPC employee.

ENGINEERED STORAGE PRODUCTS COMPANY

345 Harvestore Drive
DeKalb, Illinois 60115-9607 U.S.A.
815-756-1551 Phone, 815-756-7821 Fax
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ESPC Pat 2,972,333-000 Rev. 2 ECH 01010



AQUASTORE®
Tanks

FedEx US Airbill
Express

FedEx
Tracking
Number

848361791570

1 **From** Please print and press hard.
Date 12/7/05 Sender's FedEx Account Number 301870744
Sender's Name R. WISE Phone (541) 469 9210
Company Bruce Bros
Address 207-B WHARF Dept./Floor/Suite/Room
City BROOKINGS State OR ZIP 97415

2 **Your Internal Billing Reference**
First 24 characters will appear on invoice.

3 **To**
Recipient's Name R. NORAD PE Phone (541) 269-1166
Company HGE INC
Recipient's Address 375 PARK AVE Dept./Floor/Suite/Room
We cannot deliver to P.O. boxes or P.O. ZIP codes.
Address
To request a package be held at a specific FedEx location, print FedEx address here.
City COOS BAY State OR ZIP 97420

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By using this Airbill you agree to the service conditions on the back of this Airbill and in our current Service Guide, including terms that limit our liability.
Questions? Visit our Web site at fedex.com
or call 1.800.GoFedEx 1.800.463.3339.

Dec 7, 2005

375 PARK
Dec 8, 2005 10:04

Form ID No. **0200** Senders

4a **Express Package Service** Packages up to 100 lbs.
☐ FedEx Priority Overnight Next business morning*
☒ **FedEx Standard Overnight** Next business afternoon*
☐ FedEx First Over Earliest next business delivery to select locations
☐ FedEx 2Day Second business day*
☐ FedEx Express Saver Third business day*
FedEx Envelope rate not available. Minimum charge: One-pound rate.

4b **Express Freight Service** Packages over 100 lbs.
☐ FedEx 1Day Freight* Next business day**
☐ FedEx 2Day Freight Second business day**
☐ FedEx 3Day Freight Third business day**
*Call for Confirmation

5 **Packaging**
☒ **FedEx Envelope*** Includes FedEx Small Pak, FedEx Large Pak, and FedEx Sturdy Pak.
☐ FedEx Pak* Includes FedEx Small Pak, FedEx Large Pak, and FedEx Sturdy Pak.
☐ FedEx Box
☐ FedEx Tube

6 **Special Handling** Include FedEx address on destination label.
☐ **SATURDAY Delivery** Available ONLY for FedEx Priority Overnight, FedEx 2Day, FedEx 1Day Freight, and FedEx 2Day Freight to select ZIP codes.
☐ **HOLD Weekday at FedEx Location** NOT Available for FedEx First Overnight.
☐ **HOLD Saturday at FedEx Location** Available ONLY for FedEx Priority Overnight, FedEx 2Day, and FedEx 1Day Freight.
Does this shipment contain dangerous goods?
This box must be checked.
☒ No ☐ Yes As per attached Shipper's Declaration ☐ Yes Shipper's Declaration not required ☐ Dry Ice Dry Ice, 9 UN 1845
Dangerous goods (including Dry Ice) cannot be shipped in FedEx packaging. ☐ Cargo Aircraft Or

7 **Payment Bill to:** Enter FedEx Acct. No. or Credit Card No. below.
☒ **Sender** Acct. No. in Section 1 will be billed. ☐ Recipient ☐ Third Party ☐ Credit Card ☐ Credit Card No.
FedEx Acct. No. Exp. Date

Total Packages 1 Total Weight 2.82 Total Declared Value* \$.00
*Our liability is limited to \$100 unless you declare a higher value. See back for details.

8 **Sign to Authorize Delivery Without a Signature**
By signing you authorize us to deliver this shipment without obtaining a signature and agree to indemnify and hold us harmless from any resulting claims.
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161791570.

Telephone: 901-369-3600

Memphis, TN 38194-4643

EXHIBIT H



Customer Support Trace
3875 Airways Boulevard
Module H, 4th Floor
Memphis, TN 38116

Memphis, TN 38194-4643

Telephone: 901-369-3600

02/01/2006

Dear Customer:

The following is the proof of delivery you requested with the tracking number **848361791570**.

Delivery Information:

Status:	Delivered	Delivery location:	375 PARK
Signed for by:	B.WAGER	Delivery date:	Dec 8, 2005 10:04
Service type:	Standard Envelope		

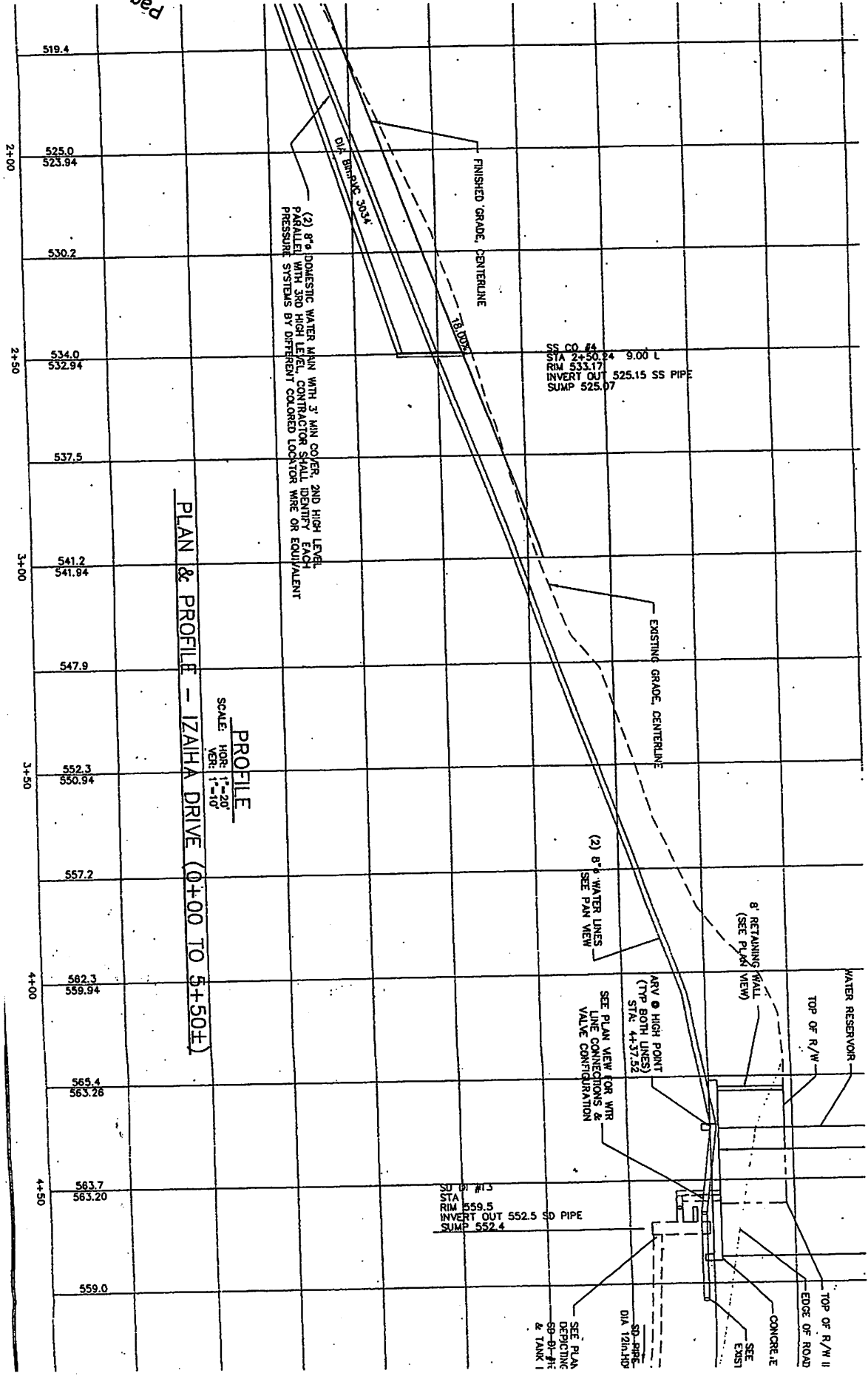


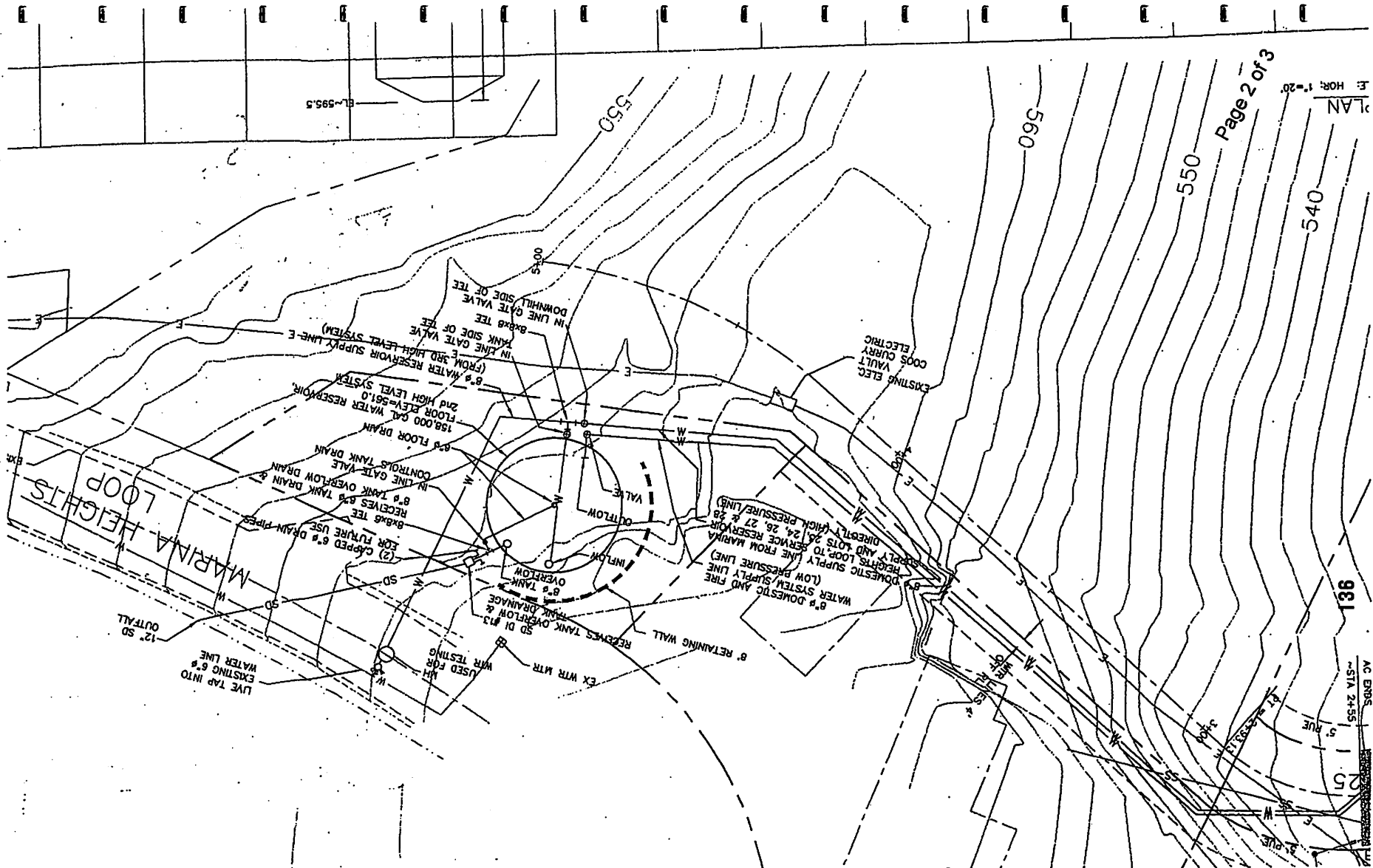
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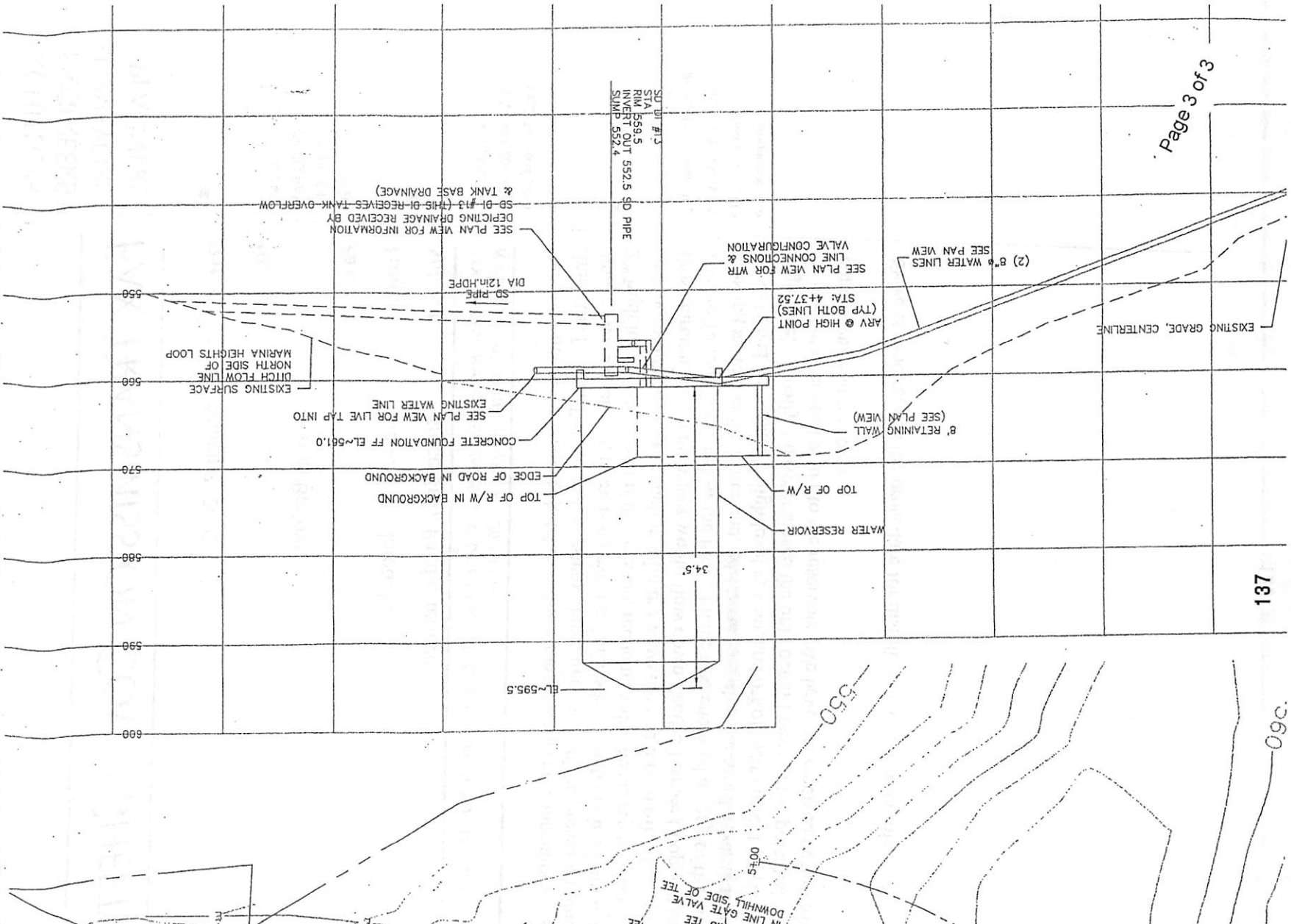
Tracking number:	848361791570	Ship date:	Dec 7, 2005
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HGE INC		BRO 97415 US	
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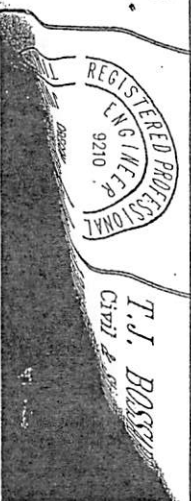
IC TERRACE P.U.D.

SITE IMPROVEMENTS - AS BUILT

AN AND PROFILE, IZAIHA DRIVE

BRUCE BROTHERS

MAP 40-13-32 T 1500





ARCHITECTS
ENGINEERS
SURVEYORS
PLANNERS

375 PARK AVE
COOS BAY
OREGON
97420

541.269.1166
FAX 541.269.1833
CELL 541.404.3791
mored@hge1.com

Richard D. Nored, P.E.
Joseph A. Slack, A.I.A.
Russ Dodge, P.E.
Stephen R. Cox

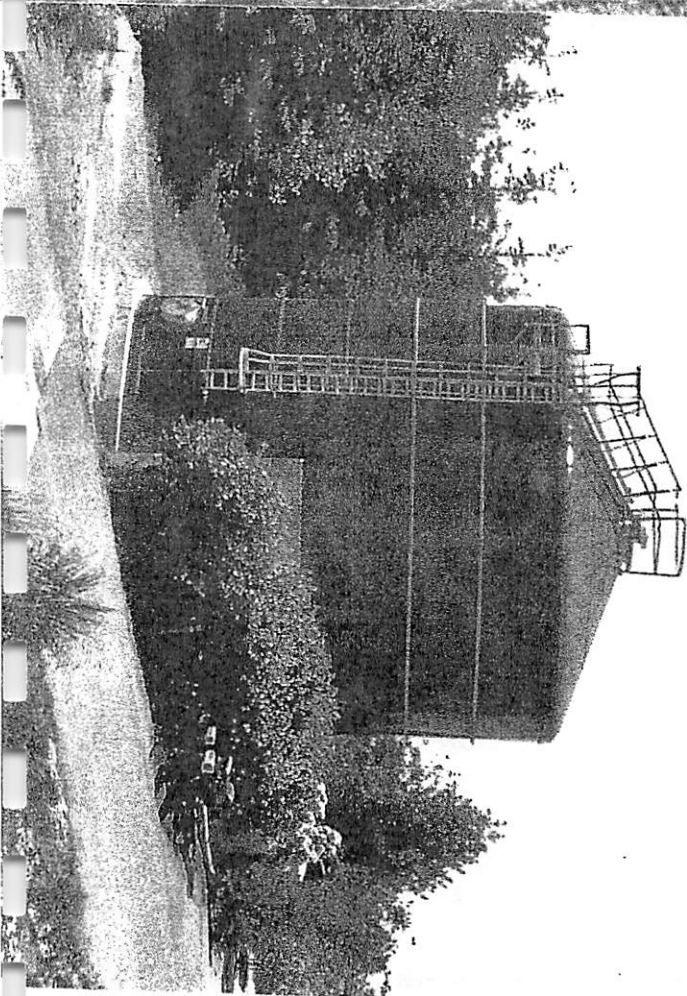
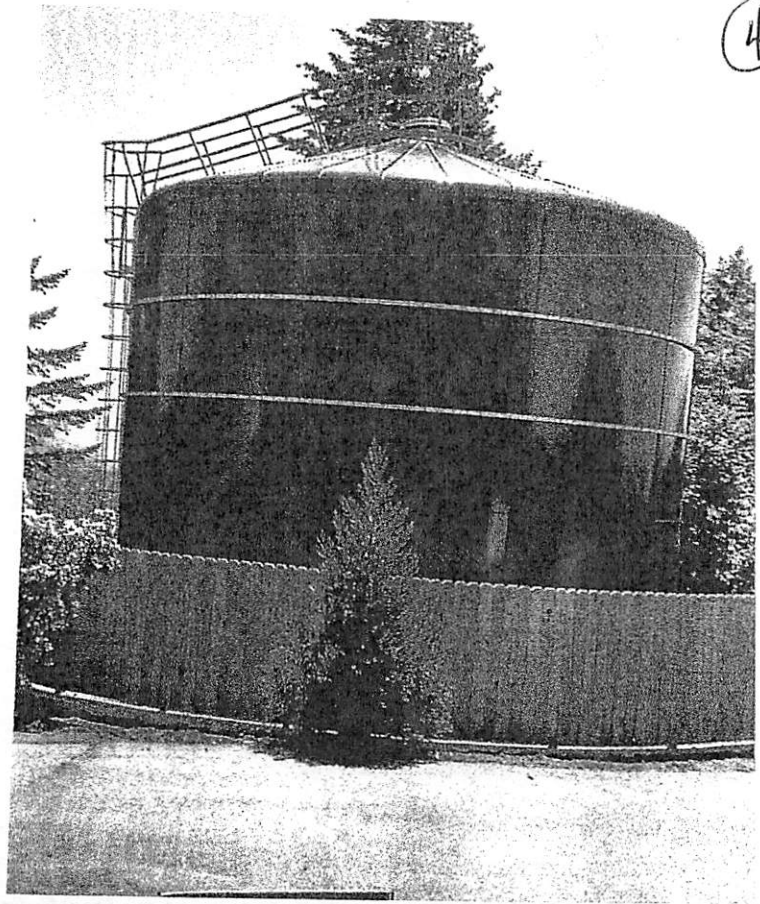
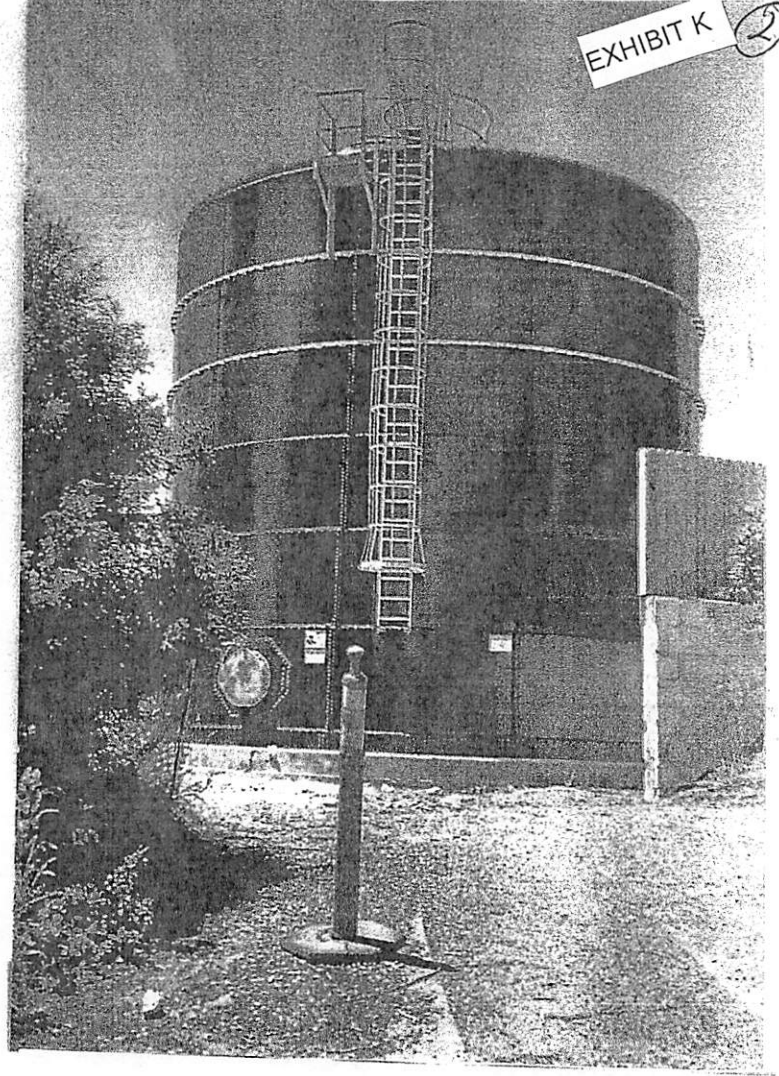
FAX TRANSMISSION COVER SHEET

Date: March 7, 2006
To: Dennis Barlow
Fax:
From: Richard D. Nored, P.E.
Subject: Bruce Bros. Pacific Terrace

YOU SHOULD RECEIVE SEVERAL PAGE(S), INCLUDING THIS COVER SHEET. IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL 269-1166.

Dennis: Enclosed are some sketches of the arrangements and connections needed to finish the Pacific Terrace water system. First, in review of the pressure reducing vault, which I have enclosed, there is no bypass. This is because there is a loop in the lower 2nd high level system, and if the pressure reducing valve needs repair it can be removed and the system will still function with the valve out and turned off. Basically, under those circumstances the water would flow down Pacific Terrace Loop and back to Pacific Terrace Drive below the PRV. I have also enclosed a copy of the intertie to the existing system at the lower end, ~~where we have a valve now found to be broken that will need to~~ be switched onto this 2nd high level system, and off of their current service from 3rd high level. Finally, I have enclosed the only detail I have of the potential vault that will be needed to control water to the reservoir. We have not received design for this control valve at this time.

Steve is sending you the procedure for disinfection of the reservoir.





COUNCIL AGENDA REPORT

To: Mayor & City Council

From: Dianne Snow, Planning Director

Date: August 14, 2006

Re: Appeal APP-3-06, by Tom Appleby for Friends of Tanbark Point, of Planning Commission Decision CUP-7-06, request by Zolton Gyurko to site a dwelling group

Background: Planning Commission approved a request to site a Dwelling Group consisting of one existing single family dwelling and 2 two proposed single family dwellings on a 35,719 sq. ft. parcel, zoned Single Family Dwelling Residential (R-1-6), minimum 6,000 sq. ft. per dwelling unit. The subject property is located east of and accessed from Tanbark Dr. A driveway access easement located on the subject property is named "Otter Terrace". The Planning Commission's decision to approve the dwelling group has been appealed by Tom Appleby for Friends of Tanbark Point.

Recommendation: Uphold the Planning Commission decision to approve CUP-7-06.

Discussion: Dwelling groups are provided for in Section 20.110 of the Land Development Code (LDC). A property owner may apply for approval of a Dwelling Group when an existing parcel has limitations that prevent partitioning yet has enough square footage for additional dwelling units. The Applicant submitted a proposal to partition the subject property and Site Plan Committee denied it. An application for a Dwelling Group must meet the criteria stated in Section 20.110, LDC. On pages 2 and 3 of the attached Planning Commission Staff Report you will find the criteria listed and responses to each of them. The proposal must also meet the Conditional Use Permit criteria stated in Section 140.050, LDC. On pages 3 and 4 of the Planning Commission Staff Report this criteria listed and responses to them. Several written responses stating concerns had been received prior to writing the Staff Report. These are included in the Staff Report as Attachment D. On page 5 of the Staff Report are the Findings and Conclusions and have Staff's responses to these concerns. The Planning Commission approved the application and added some conditions to mitigate concerns. The Final Order with Conditions of Approval are the last 3 pages of this packet.

The Appellants submitted additional materials which follow this memo. In their submittal they raise issues or elaborate on previously stated issues. The following lists

these issues as stated in the appellant's "Attachment A", dated July 23, 2006 and addresses them:

- **"Lack of Due Process"**. When an application requests creation of a "rear lot development parcel, the section addressing that in the LDC, must be cited. This application, CUP-7-06 does not create any new parcel, "rear lot development" or otherwise. The subject property does have the configuration of a "rear lot development" (or "flag lot) with a 25 foot wide strip of land providing access from Tanbark Rd. Because of the odd configuration of the property lines, staff uses the "rear lot development" setbacks of 10 feet from all property lines. This is a development standard not a criteria for approval of this application. This development standard was addressed in the Staff Report on page 3, item B. and on page 4, items 2 & 4 and again in the suggested Conditions of Approval, page 6, item 6. This information in the Staff Report was available to the public 7 days ahead of the hearing, as required by law.
- **"The Approved Sites are Too Small and Violate 17.112.020D"**. This references the "Rear Lot Development" section and the creation of parcels. No new parcels are being created by this proposal. The subject property remains one parcel.
- **"The Approved Access Road is Too Long and Violates 17.112.030.B.4"**. This references criteria to address when creating a "Rear Lot Development" parcel. Again, the subject property is an existing parcel and no new parcels are being created.
- **"The Planning Commission Approved Too Many Rear Lots in Violation of 17.112.030.D."** Tax lots 1800 & 1801 (Exhibit 2 of Staff Report), which gain access from the Otter Terrace access easement, are part of Iowa Tract Subdivision created in 1952. The "Real Lot Development" Section of the LDC was adopted in 1989. Many other lots in this area were created many decades ago by simply recording a deed prior to current criteria addressing access.
- **"The Planning Commission Failed to Consider Neighborhood Character in Violation of 17.20.110."** The R-1-6 zone requires 6,000 sq. ft. per dwelling unit. The subject property has 35,719 sq. ft., enough square footage to accommodate more than the total of 3 single family dwellings proposed. Dwelling Group criteria does not require subtracting the driveway area from the total square footage. Additional comments from Staff regarding Neighborhood Character are found in the Staff Report, page 3, item D, and page 4, items 2 & 4.

The Appellant's Attorney stated concerns in the following document titled "Attachment 2" dated July 21, 2006. These center around single family dwellings vs. multi-family dwellings. The R-1-6 zone only allows single family dwellings. The proposed dwellings are single family dwellings. Only one family will occupy each dwelling. Multi-family dwellings are defined in the LDC as "A building or portion thereof designed or used as a residence by three (3) or more families and containing three (3) or more dwelling units." The proposal is not for Multi-family dwelling units. The proposed dwellings will be located on one parcel but are still single family dwellings.

Conclusion: The Applicant's findings, plot plan, and staff report review demonstrate compliance with the criteria for approval the proposed dwelling group.

Discussion: The Applicant has provided a new plot plan demonstrating compliance with a Condition of Approval as added by the Planning Commission in their hearing on this matter. The condition required the entire paved turn-around area be located on the Applicant's property. The City Fire Chief has reviewed and approved this turn-around area and submitted a memo in this packet following the plot plan.

Conclusion: The 20 foot wide, paved driveway meets the requirements for access to a dwelling group and has an approved turn-around area which is more than is required in the criteria for this proposal.

Attached you will find:

- Materials submitted by the Appellants.
- Materials submitted by the Applicant in response to the appeal.
- Letter received from A. Gordon on Aug. 14, 2006
- Planning Commission Staff Report
- All previously submitted materials relating to the matter.
- Planning Commission Final Order/ Conditions of Approval

Financial Impact(s): None.

City Manager Review and Approval for placement on Council Agenda:

Dale Shaddox, City Manager



Land-Use Permit Application City of Brookings

898 Elk Drive Brookings OR 97415
(541) 469-1136 FAX (541) 469-3650

received
7-25-06 CM
11:30
CM

Applicants must complete the following form to the best of their knowledge. Incomplete information may review and the final decision on your request. If requested information is not known to the applicant, ci such information where appropriate.

APPELLANT'S MATERIALS

APPLICATION FOR:

- | | | |
|---|---|--|
| <input type="checkbox"/> Minor Partition | <input type="checkbox"/> Planned Unit Development | <input type="checkbox"/> Lot Line Adjustment |
| <input type="checkbox"/> Major Partition | <input type="checkbox"/> Subdivision | <input type="checkbox"/> Annexation |
| <input type="checkbox"/> Plan Amendment | <input type="checkbox"/> Variance | <input type="checkbox"/> Minor Change |
| <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Vacation | <input type="checkbox"/> Sign Permit |
| <input type="checkbox"/> Appeal: Planning Com. | <input checked="" type="checkbox"/> Appeal: City Council 250% | |

CUP-7-06

APPLICANT/OWNER INFORMATION:

Applicant Tom A Appleby for "Friends of Tanbark Point"
Mailing Address 24 Seascape Court
City Brookings State OR Zip 97415
Telephone No. (541) 412-2922 Fax No. N/A
Representative William H. Sherlock of Hutchinson, Cox, DuPriest, & Sherlock P.C.
Mailing Address 777 High Street
City Eugene State OR Zip 97401-2782
Telephone No. (541) 686-9160 Fax No. (541) 343-8693
Owner (If not applicant) _____
Mailing Address _____
City _____ State _____ Zip _____
Telephone No. _____ Fax No. _____

PROPERTY INFORMATION:

Location Near the terminus of Tanbark Rd, #19 Tanbark Rd
Assessor's Map No. 41-13-08 BB Tax Lot No. 2000
Parcel Size 35,719 sq. ft. Existing Zoning R-1-6
Comprehensive Plan Designation Residential
Existing Use Residential Single Family
Proposed Use Condominium - 3 Family Dwelling Group
Is water service available to the site? _____
If no, how far to nearest city water line? _____
Is sewer service available to the site? _____
If no, how far to nearest city line? _____

REQUEST:

Request the Brookings City Council reverse the
Planning Commission decision on J CUP-7-06 and
deny the request to build a dwelling group.
See Attachments (2).

I hereby certify that the information provided on this application is correct to the best of my knowledge and understand that any false information may result in the rejection of the application and forfeiture of all fees submitted.

Tom A. Appleby Date 23 July 2006
Applicant's Signature

If applicant is not the owner of the property subject to this request please have the owner sign below or attach a letter signed by the owner authorizing to act on his/her behalf.

Property Owner's Signature Date _____

In the case of an annexation or subdivision, the complete application shall be submitted no less than 45 days prior to the date of the desired Planning Commission hearing. Failure to submit any of the applicable information listed below constitutes an incomplete application. The Site Plan/Subdivision Committee may request additional information as required to ensure compliance with this code. Submittal and acceptance of the required material will constitute clearance by the Committee. Upon clearance from the Site Plan/Subdivision Committee, the application will be scheduled for the next available Planning Commission Hearing.

File No. APP-2-06 Date Received 7-25-06 Receipt No. 1.013290 Received by CM

APPELLANT'S MATERIALS

Friends Of Tanbark Point

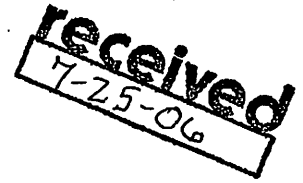
Name	Signature	Address
Tom A. Appleby	<i>Tom A. Appleby</i>	24 Seascape Court
Patti C. Appleby	<i>Patti C. Appleby</i>	24 Seascape Court
Dan Cepeda	<i>Dan Cepeda</i>	10 Seascape Court
Rebecca Cepeda	<i>Rebecca Cepeda</i>	10 Seascape Court
Jack Heide	<i>Jack Heide</i>	11 Seascape Court
Susie Heide	<i>Susie Heide</i>	11 Seascape Court
Frank Nagel	<i>See e-mail</i>	22 Seascape Court
Bobby Nagel	<i>See e-mail</i>	22 Seascape Court
Lorraine Sigourney	<i>Lorraine Sigourney</i>	20 Seascape Court
Neil Frank	<i>See e-mail</i>	3 Otter Terrace
Don Bouma	<i>Don Bouma</i>	537 Cushing Court

Attachment 1

APPELLANT'S MATERIALS

23 July 2006

Dale Shaddox
City Manager
City of Brookings
898 Elk Drive
Brookings, OR 97415



Re: **Gyurko Conditional Use Permit Application (CUP-7-06)**

For the following reasons, an association, known as "Friends of Tanbark Point," hereby appeals the decision of the Planning Commission approving CUP-7-06 to allow construction of two additional single family dwellings on a non subdividable lot on Tanbark Point. We request the Brookings City Council reverse the Planning Commission's decision and deny CUP-7-06, because it contravenes several clear standards in the Brookings Code.

A. Lack of Due Process

Neither the Notice of Public Hearing nor the references therein identified the development as being "Rear Lot," thereby obstructing our ability to assess the application against the appropriate codes. Specifically, Brookings Code Section 17.112 pertaining to this "Rear Lot" development was not referenced in the notice provided to affected property owners, but was relied upon by the Planning Commission in rendering its decision. (See City of Brookings Notice of Public Hearing, File No. **CUP-7-06**). Hence, the Planning Commission deprived adjacent property owners of the ability to consider one of the critical standards of approval prior to the hearing that resulted in the challenged decision. This is a clear deprivation of our rights to due process.

B. The Approved Sites are Too Small And Violate 17.112.020.D

The Brookings Code states that the minimum lot width **shall be** 15 feet greater than required by the applicable zoning district. The R-1-6 zoning requires the minimum lot width to be 60 feet (BMC 17.20.060). Therefore, the minimum lot width is **required to be 75 feet**. The site for Unit #1 is only 40 feet wide. The site for Unit #2 is only 55 feet wide. Neither site meets the above requirement. (See City of Brookings Planning Commission Staff Agenda Report, Item No. 8.1, dated June 30, 2006: Exhibit No. 3) Hence, the Planning Commission's approval violates the Brookings Code by permitting sites that are too small.

C. The Approved Access Road is Too Long and Violates 17.112.030.B.4

The Brookings Code states that the access road **may not be** greater than 200 feet long. The access road for the proposed development is **greater than 400 feet**

long. (See City of Brookings Planning Commission Staff Agenda Report, Item No. 8.1, dated June 30, 2006: Exhibit No. 2) Thus, the Planning Commission's approval violates this substantive provision of the Brookings Code as well.

D. The Planning Commission Approved Too Many Rear Lots in Violation of 17.112.030.D

The Code states that "**no more than one** parcel or lot shall be created to the rear of another parcel or lot which fronts on a street in a residential district." The proposed development already has **four lots** to the rear of lot #1600 (in violation of the law). There are already five single-family dwellings serviced by the private driveway, informally named "Otter Terrace." Adding two additional dwellings brings the total number of noncomplying structures to seven.¹ Hence, the Planning Commission has again violated the substantive law that it failed to properly include in its notice to surrounding property owners.

The above violations may be considered as pre-existing conditions for Lot #2000. If this is the case, we strongly believe that this situation should not be exacerbated by allowing two additional dwellings to be constructed.

E. The Planning Commission Failed to Consider Neighborhood Character in Violation of 17.20.110

The code states:

"Neighborhood Character: The development of dwelling groups **shall respect** the character of both the neighborhood in which it is located and the properties adjacent to said dwelling group. Emphasis shall be placed on retention of neighborhood character and privacy of adjacent properties when reviewing dwelling groups."

The Planning Commission failed to address this mandatory criteria in rendering its decision.

1. Housing Density

It was pointed out that the character of the neighborhood is, on average, 20,000 square foot lots with structures filling less than 1,800 square feet (9% fill ratio). The proposed development places 3 dwellings with a total foot print of at least 4,900 square feet on less than 25,000 square feet of buildable property (after the access road and turn around area is subtracted per 17.112.020 C) for a fill ratio of 18%, double that of the adjacent properties.

¹ The Planning Commission's findings are also in error on this point. The Final Order, in Findings 1.a., erroneously states that there are three adjacent properties. There are, in fact, five adjacent properties (Lot #s 1600, 1800, 1801, 2000, and 2001) including the existing house on the subject property, for a total of five existing houses.

APPELLANT'S MATERIALS

2. Shape of Structures

The character of the proposed houses are not in keeping with the neighborhood, nor the adjacent properties. Due to the set back requirements and the narrow widths of the two parcels, the maximum width is 20 feet for Unit #1 and 25 feet for Unit #2. Both units will be built to 23 feet high (See Before the Planning Commission City of Brookings, County of Curry, State of Oregon, Final Order: File No. CUP-7-06, dated July 11, 2006: Condition No. 2). The tall, skinny 1:1 aspect ratio of height to width is not in keeping with the character of the neighborhood, nor the adjacent properties.

3. Condominiums

When the Planning Department pointed out that the dwellings could not be sold individually because the property could not be subdivided, the applicant described his intentions of forming a condominium association in order to affect the sales of the individual properties. Condominiums are not in the character of the existing neighborhood and the adjacent properties. Nor are they in keeping with what was intended by the R-1-6 zoning in the neighborhood. See the attached letter from our Attorney, William H. Sherlock, to the Brookings City Manager, dated July 21, 2006.

4. Dangerous Precedent

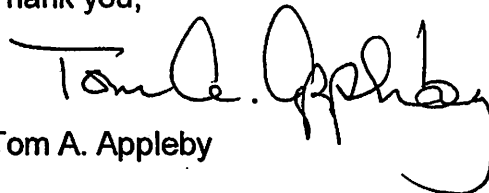
There are several other large lots in the neighborhood that could be developed in a similar manner by removing existing units, building maximum density "Dwelling Groups" and then converting them to condominiums. If the City Council does not reverse the approval for this development, the entire character of Tanbark Point will be lost forever.

5. Potential Measure 37 Claims

It is our understanding that the Oregon State Legislature is contemplating changes to Measure 37 that may allow claims for compensation in favor of property owners whose property values have been negatively impacted by land use decisions on adjacent properties. It is well known that the value of single-family dwellings are significantly reduced when higher density, multi-family developments are permitted.

We request the Brookings City Council reverse the Planning Commission's decision and deny CUP-7-06.

Thank you,



Tom A. Appleby

for "Friends of Tanbark Point"

Attachment 2

APPELLANT'S MATERIALS

Received
7-25-06

July 21, 2006

**Attorneys and
Counselors at Law***Established 1970**Experienced Advice
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Thomas M. Orr

William H. Sherlock

E. Bradley Litchfield

Zack P. Mittge

Patrick L. Stevens

Dale Shaddox
City Manager
City of Brookings
898 Elk Drive
Brookings, Or 97415

Via facsimile 541-469-6717

Re: **Gyurko Conditional Use Permit Application (CUP-7-06)**
Our Clients: Dan Cepeda and Tom Appleby
Our File No: 8142/10287

Dear Mr. Shaddox,

Our firm represents Friends of Tanbark Point, a group of concerned neighbors of the proposed development. We write to support the appeal of the above application. Please include this correspondence in your record of proceedings and include us on the City's list to receive all future notices related to this application.

A. Introduction

The Planning Commission's decision to approve the conditional use permit should be reversed because it would permit a condominium in the Single Family Residential (R-1) District in violation of the purpose of the R-1 District to provide housing for single families.

B. Argument

Applicant proposes to develop his property with a dwelling group so that he can convert it into a condominium in the R-1 District. The purpose of the R-1 District is to "promote and encourage a suitable environment for family living . . . [and] to provide for single-family residential homes at urban standards." *Brookings Land Development Code* 17.20.010 (emphases added). Under the *BLDC*, a family is "an individual; or two or more persons related by blood, marriage, legal adoption or guardianship, or a group of not more than five unrelated persons living together in a dwelling." *BLDC* 17.08.060. Multiple family, higher density urban residential use is not an appropriate use of the R-1

APPELLANT'S MATERIALS

Dale Shaddox
 City Manager
 7/21/06
 Page 2

District.¹ See BLCD 17.20. Parcels in the R-1 District are meant to be inhabited only by members of a single family; a condominium arrangement for multiple families is clearly inconsistent with this purpose.

On the other hand, the City's Multiple-Family Residential (R-3) District is expressly designed for "higher density urban residential uses." BLDC 17.28.010. Unlike the R-1 District, multiple families are allowed and intended to occupy single parcels within the R-3 District. In fact, new single-family dwellings are not permitted in the R-3 District.² The R-3 District is meant to be inhabited by multiple families living in higher density residential developments. See generally BLDC 17.28.

The condominium approved by the Development Commission would allow up to three different families to live on a single parcel in the R-1 District. Under the BLDC, multiple-family, higher density residential use is only allowed and intended to occur in the R-3 District. Such use is not allowed or intended in the R-1 District.

In reaching the decision to approve what is effectively a condominium conditional use permit, the Planning Commission appears to have inferred that multiple families are permitted on a single parcel in the R-1 District because more than one house is permitted for dwelling groups. This construction of the code runs afoul of one of the primary rules of code interpretation: one must not insert into a rule what has been omitted. See e.g. ORS 174.010 (barring judges from inserting what has been omitted in the construction of statutes). Here, by approving the conditional use permit application, the planning commission has inserted a rule allowing multiple families to occupy a single parcel in the R-1 District—an interpretation that directly contradicts the code's language.

C. Conclusion

The R-1 District is for single families. Higher density urban residential uses for multiple families are not an intended purpose of the R-1 District. They are permitted in and should be confined to the R-3 District. If the applicant wants, he can apply for a zone change to R-3. Because the proposed condominium development is contrary to the intended purpose of the R-1 District, and because it undermines the overall structure and purpose of the

¹ Dwelling groups are permitted in the R-1 zone, but this living arrangement must be viewed in light of the express purpose of the zone.

² Single-family dwellings are only permitted if "the building permit applicant or the applicant's spouse, parent, child or sibling, purchased the property prior to the effective date of this amendment." BLDC 17.28.020.

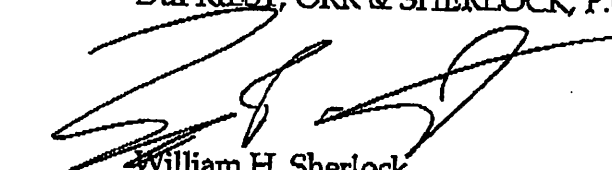
Dale Shaddox
City Manager
7/21/06
Page 3

APPELLANT'S MATERIALS

BLDC, the planning commission's decision to approve the conditional use permit should be reversed.

Very truly yours,

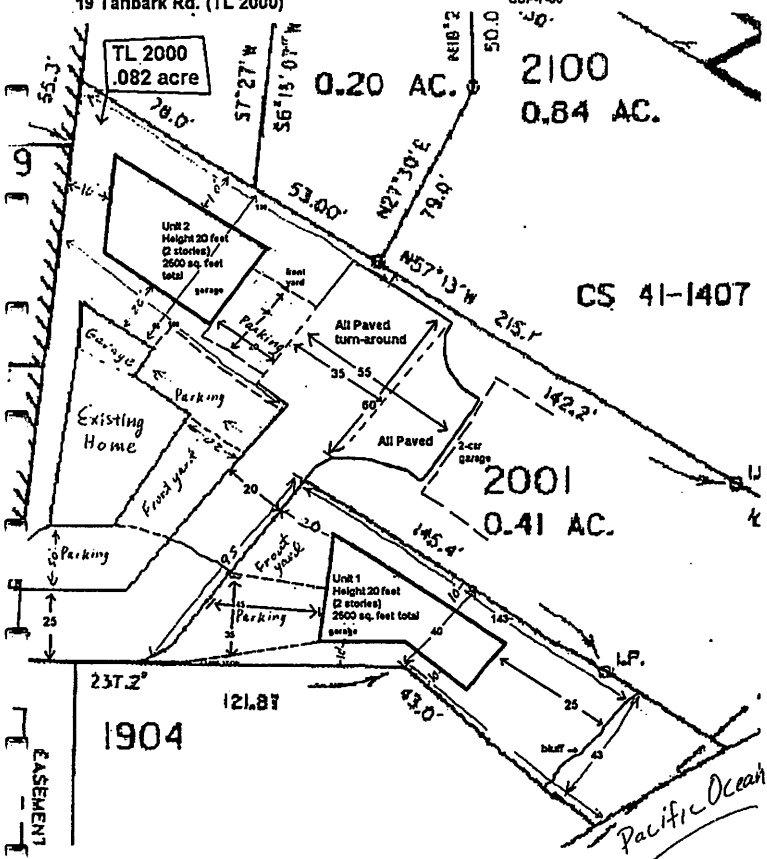
HUTCHINSON, COX, COONS,
DuPRIEST, ORR & SHERLOCK, P.C.



William H. Sherlock
Zack P. Mittge

104 Turn-around (in red) as required by planning commission Parking & Paved areas (in red)	(“No Parking on Driveway” signs to be erected) (Appropriate traffic control devices to be erected)
---	---

Zoltan Istvan Gyurko
19 Tanbark Rd.
Brookings, OR 97415
(541) 651-1070
Conditional Use permit
for Dwelling Group on property:
19 Tanbark Rd. (7L 2000)
CUP-7-06




APPLICANT'S MATERIALS

August 14, 2006

INTER	
OFFICE	

MEMO

To:	Planning Department
From:	William J Sharp, Fire Chief 
Subject:	Otter Place
Date:	8/14/06

This past week I met with the gentleman representing the development on Otter Terrace, he brought in a map showing the proposed changes and requirements for turn-around. The new proposal meets our criteria for emergency vehicle turn-around. The Fire Department concerns have been met for this development.

APPLICANT'S MATERIALS

JACK DAVIS
CHRISTIAN E. HEARN*
SUSAN VOGEL SALADOFF†
DAVID L. SMITH*†
JENNIFER A. BRIDGES
JESSE A. VISSER
MICHAEL R. STEDMAN

DAVIS HEARN
SALADOFF SMITH
ATTORNEYS AT LAW

SAM B. DAVIS - Retired
SIDNEY E. AINSWORTH (1927-
2003)
DONALD M. PINNOCK - Retired
DAVID V. GILSTRAP - Of Counsel

* Also Admitted to Practice in CA
† Also Admitted to Practice in DC, MD, PA and
NJ
† L.L.M. in Taxation

Established 1953

A Professional Corporation
515 EAST MAIN STREET
ASHLAND, OREGON 97520
(541) 482-3111 FAX (541) 488-4455

Via E-Mail (dsnow@brookings.or.us) and Facsimile (541-469-3650)

Mayor & City Council
City of Brookings
c/o Dianne Snow, Planning Director
898 Elk Drive
Brookings, OR 97415

RE: Appeal of Planning Commission Approval for a Conditional Use Permit,
allowing a "Dwelling Group" under Brookings LDO §§ 20.110, 140.050,
and 100.

Location: 19 Tanbark Road
Appeal No.: APP-3-06
Planning File No.: CUP-7-06
Our Client: Zoltan Istvan Gyurko, Applicant

Dear Mayor & City Council:

Our firm represents applicant Zoltan Gyurko, in connection the neighbors' appeal to Council of Planning Action CUP-7-06. The appeal follows the Planning Commission's unanimous approval of this land use application. Based on our review of the record in this matter, we respectfully request you uphold the unanimous decision of your Planning Commission.

The Relevant Land Use Criteria.

Every city in Oregon operates under a statutory duty to make land use decisions in compliance with the criteria reflected in its duly adopted land use regulations. ORS

DAVIS, HEARN, SALADOFF & SMITH
A Professional Corporation
515 EAST MAIN STREET
ASHLAND, OREGON 97520
(541) 482-3111 FAX (541) 488-4455

197.175(2)(d); *Sun Ray Drive-In Dairy, Inc. v. OLCC*, 16 Or. App. 63, 71 (1973).¹

In this case, the City of Brookings adopted its Land Development Code ("LDO") (Ordinance No. 89-0-446), and made later amendments to it, including Ordinance 95-0-446.X, effective February 21, 1995.

The published criteria by which Mr. Gyurko's application must be judged are set forth in LDO § 20.110 (R-1-6 Zone, Dwelling Group); LDO § 140.050 (Conditional Use Permit); and LDO § 100 (Hazardous Building Site Protection). See: *Staff Report and attachments*.

The Staff Report's analysis and attachments succinctly demonstrate that Mr. Gyurko's application and supporting documentation meets all relevant criteria by which an application for approval of a "dwelling group" in an R-1-6 Zone must be reviewed under the LDO. Your Planning Commission, after a public hearing, agreed with Staff's analysis, and approved Mr. Gyurko's application, subject to reasonable conditions.

The Arguments Raised by Neighbors - Attachment "D" to Planning Commission Staff Report.

Having served on the Ashland Planning Commission for 5 years, and the Ashland City Council for 4 years, the undersigned is intimately familiar with the understandable fact that many neighbors are opposed to any further development in

¹ "[I]n a democratic society, ... published standards are essential to inform the public. Further, they help assure public confidence that the agency acts by rules and not from whim or corrupt motivation. ... An applicant ... should be able to know the standards by which his application will be judged before going to the expense in time, investment, and legal fees necessary to make application. Thereafter, he is entitled to even treatment by the rule of law and reasonable confidence that he has received such treatment. This cannot be achieved without published rules." *Sun Ray Drive-In Dairy, Inc. v. OLCC*, 16 Or. App. 63, 71 (1973).

Mayor & City Council
August 15, 2006
Page 3

their neighborhood, after moving into their home (which obviously had its own effect on the neighborhood back when it was built). Oregon land use law therefore requires that cities first enact land use regulations, and then objectively apply those land use regulations to individual projects submitted for their quasi-judicial review. Additional standards and requirements not set forth in the code, and assertions of fact not supported by substantial evidence in the record, simply cannot and should not be considered as a basis for denial by the quasi-judicial body. *ORS 197.195 (4)*.²

1. **Neighborhood concerns based on solar access.** Without getting into whether this project would or would not have an effect on any neighbor's solar access, solar concerns are not appropriate for consideration absent a solar ordinance which would be violated by the application. *Walton v. Clackamas County*, 21 Or. LUBA 69 (1991).³

2. **Neighborhood concern about lot size.** LDO 20.040 (P) allows "dwelling groups" in any R-1 Zoning District if the criteria in LDO 20.040 are met. See: *LDO 20.040 (P)*. The minimum lot area in an R-1-6 zone is 6,000 square feet. *LDO 20.060*. The Gyurko parcel is 35,719 square feet. Simple math shows that the parcel is therefore of almost sufficient size to accommodate six (6) single family dwellings under the legal zoning density applicable to the R-1-6 zone. However, Mr. Gyurko only requests

² *ORS 197.195 (4)* states:

"(4) Approval or denial of a limited land use decision shall be based upon, and accompanied by, a brief statement that explains the criteria and standards considered relevant to the decision, states the facts relied upon in rendering the decision, and explains the justification for the decision based on the criteria, standards, and facts set forth."

³ "Petitioner's second assignment of error alleges the county erroneously applied ZDO 10 17 (hereafter referred to as the "solar ordinance") to the proposal in violation of *ORS 215.428(3)*. [FN3] Petitioner states the solar ordinance was enacted several months after the disputed application was filed with the county. Respondent agrees the solar ordinance (1) was enacted after petitioner's application was filed, and (2) was applied as a justification to deny the proposal. Respondent agrees with petitioner that the county hearings officer erroneously applied the solar ordinance as a justification for the challenged decision. [FN4] The second assignment of error is sustained." *Walton v. Clackamas County*, 21 Or. LUBA 69 (1991).

APPLICANT'S MATERIALS

Mayor & City Council
August 15, 2006
Page 4

approval to build two additional dwellings, for a total of three (3) single family homes on the .82 acre parcel.

3. **Neighborhood concern about capacity of Otter Lane.** There is no evidence in the record that Otter Lane is currently at or above its capacity, or that the construction of two additional residences will push Otter Lane above its objective traffic capacity.
4. **Neighborhood concern about emergency vehicle access.** The emergency vehicle access for the Gyurko project was reviewed by the Fire Department on June 21, 2006 and approved. *See: Exhibit 4 to Planning Commission Staff Report.* It meets the relevant standards for emergency vehicle access.
5. **Neighborhood concern about building setbacks.** The site plan reflects compliance with the objective setback requirements for an R-1-6 Zone, as set forth in LDO 20.060 and LDO 20.110 (B).
6. **Neighborhood concern about "small lot sizes".** As stated above, the current parcel size (35,719 square feet) is almost sufficient to accommodate approval six (6) homes under the minimum lot size requirements of the R-1-6 Zone (6,000 square feet). Approval of Mr. Gyurko's application therefore results in density far surpassing minimum lot size for this neighborhood. Further, LDO 20.1210 (A) requires that, "the number of dwelling units allowed shall be established by dividing the total lot area by the minimum lot area of the underlying zone." *LDO 20.110 (A).*
7. **Neighborhood concern about "character of the neighborhood".** As evidenced by Mr. Gyurko's application and supporting documentation, including some photos of the existing neighborhood and the artist's renderings depicting the exterior architecture and interior floor plans for proposed Units 1 and 2 (Unit 3 is the existing home), it is clear that the proposed project is equal to or superior than many existing homes in the neighborhood. Such a determination is obviously somewhat subjective. However, substantial evidence exists in the record demonstrating that the character of the existing neighborhood will not be adversely affected by this project. Mr. Gyurko strongly believes the opposite to be true. Further, LDO 20.110 allows approval of "dwelling groups" when the criteria are satisfied.
8. **Neighborhood concern about access driveway.** LDO 20.110 (C)

Mayor & City Council
August 15, 2006
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states objectively that, "every building containing a dwelling in the group shall be within 60 feet of an access roadway having a curb to curb section of at least 20 feet in width providing vehicular access from a public street." *LDO 20.110 (C)*. This criterion is objective, and Mr. Gyurko's application meets it.

9. **Neighborhood concern about "hazard protection".** Mr. Gyurko submitted a six (6) page report from Ron Sonnevill, Certified Engineering Geologist of Terra Firma Geologic Services. *See: attachment "C" to Planning Commission Staff Report*. Substantial evidence has thus been provided for the record satisfying LDO 100 (Hazardous Building Site Protection) criteria.
10. **Neighborhood concern about height of proposed structures.** LDO 20.070 contains the objective criteria governing height of proposed structures in an R-1-6 Zone. "No structure shall be over 30 feet in height, except as provided in Section 132.030." *LDO 20.070*. Mr. Gyurko's two proposed new homes will meet this objective requirement, in addition to any applicable building codes.
11. **Neighborhood concern about "interfering with my view".** Absent a restrictive covenant (a civil matter) or the existence of a City viewshed ordinance, this is simply not an appropriate criteria for consideration in connection with this application.

Arguments Raised by Appellant in July 23, 2006 Letter.

In connection with his appeal of the Planning Commission's unanimous decision to approve Mr. Gyurko's application, Appellant neighbor (Mr. Appleby) submitted a letter identifying several purported grounds for appeal. These are briefly discussed below.

- **Lack of due process.** This argument seems to center on whether the Notice of Public Hearing was adequate because it did not identify LDO 17.112, governing real lot development, as substantive review criteria for Mr. Gyurko's application. This code section applies to the creation of new lots and parcels. *LDO 17.112.010*. Mr. Gyurko's application does not request creation of any new lots or parcels via partition or subdivision. However, the rear lot development constraints may have been considered by analogy in looking at the site plan. Further, the Staff Report, which was available a week prior to the Planning Commission hearing, does discuss rear lot development issues in connection with setback criteria. In any event, this application is now before the Council for de novo review.

APPLICANT'S MATERIALS

Mayor & City Council
August 15, 2006
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- **The approved lots are too small.** This is discussed above. Mr. Gyurko is using the "dwelling groups" option, as permitted by LDO 20.110. The application exceeds the density requirements imposed by LDO 20.110 (A) by a substantial margin.
- **The approved access road is too long and violates 17.112.030(B)(4).** LDO 17.112.030 applies only to applications in which subdivision or partition of land results in the creation of new lots or parcels. No subdivision, partition, new lots or parcels are being proposed. LDO 17.112 does not apply. Rather, LDO 20.110 ("dwelling groups") applies.
- **The Planning Commission approved too many rear lots or parcels in violation of 17.112.030(D).** As stated in Staff's recent Memo, tax lots 1800 & 1801 were created in 1952, some thirty-seven (37) years before the "Rear Lot Development" section of the LDO was adopted in 1989. This application must be considered under the criteria in effect when it was submitted. No new parcel or lot creation is sought by Mr. Gyurko. Rather, Mr. Gyurko is proceeding under the criteria set forth in LDO 20.110, which permits "dwelling groups" when the criteria set forth in LDO 20.110 are met.
- **The Planning Commission failed to consider the Neighborhood Character in Violation of 17.20.110.** The Planning Commission considered the "character of the neighborhood" during its deliberations. The R-1-6 Zone density requirements demanding at least 6,000 square feet per single family dwelling are exceeded. The neighborhood is zoned for and developed with stick-built, single family dwellings similar in size to the two new dwellings proposed by Mr. Gyurko's application. The proposed setbacks from adjacent property boundaries meet the requirements of the zone. The parcel has almost twice the square footage required to site two additional single family dwellings. *See: Staff Report at pp. 3 and 4.*

Arguments Raised by Attorney for Neighbors.

The opponent neighbors submitted a letter from a Eugene attorney dated July 21, 2006. The concerns raised in the attorney's letter are discussed below.

- **Argument: The Planning Commission's decision should be reversed because it would allow condominiums in a Single Family Residential (R-1) district.** Both LDO 20.020 (Permitted Uses) and LDO 20.110

APPLICANT'S MATERIALS

Mayor & City Council
August 15, 2006
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(Dwelling Groups) require that "all residential buildings shall be single family." *LDO 20.110 (A) (1)*. Applicant's proposal is an application for construction of two additional single family homes on the subject 35,719 square foot parcel under the "dwelling groups" provision of the LDO. *LDO 20.110*. No multi-family dwellings are proposed. Again, under the minimum density requirements of the R-1-6 Zone, Mr. Gyurko almost has enough square footage to accommodate construction of five (5) additional homes on his parcel, for a total of six single family dwellings (6 x 6,000 square feet = 36,000 square feet required). Instead, due to the unique shape and access associated with the Gyurko parcel, Mr. Gyurko has chosen to proceed under LDO 20.110, using the "dwelling groups" option to overcome a challenging parcel configuration. Mr. Gyurko has addressed and met all the relevant criteria imposed by LDO 20.110. Mr. Gyurko's project is not aggressive, and only seeks approval for construction of 2 new single family dwellings under the "dwelling groups" option, as allowed by LDO 20.110. The tentative floor plans for the two proposed new single family homes demonstrate that each includes three (3) bedrooms, two (2) bathrooms, a livingroom, a dining room, a kitchen, a large entry, and a two-car garage. The homes must be separated from each other by "twice the minimum side yard setback that would be required for the tallest building on the lot." *LDO 20.110 (B)*. The undersigned can only conclude that the purpose of the July 21, 2006 letter is to confuse the issues.

Conclusion.

It is respectfully submitted that Mr. Gyurko's application meets or exceeds all relevant criteria contained in Brooking's Land Development Code, and the decision of your Planning Commission should be upheld.

Sincerely,

DAVIS, HEARN, SALADOFF & SMITH
A Professional Corporation

CHRISTIAN E. HEARN
chearn@davishearn.com

APPLICANT'S MATERIALS

Mayor & City Council

August 15, 2006

Page 8

cc: Zoltan Istvan Gyurko

ALLEN GORDON

103 TANBARK CIRCLE
BROOKINGS, OR 97415

Thursday, August 10, 2006

Brookings City Planning Department
898 Elk Drive
Brookings, OR 97415

RECEIVED

AUG 14 2006

Re: File # CUP-7-06 and File # APP-3-06

CITY OF BROOKINGS

To whom it may concern,

As an adjacent property owner, I would like to restate my feelings regarding the Commissions approval of File # CUP-7-06. The approval for a Conditional Use Permit was voted by the Commission at its meeting on July 11, 2006.

The Commission went into every detail and examined all conditions that were created by this Conditional Use Permit. All details and conditions that affected the adjacent property owners, the City, and the subject property were considered in granting this Permit with certain provisions attached.

I would like to point out that it is extremely important for the City to have the authority to grant Conditional Use Permits where properties are either land locked, or without sufficient City street frontage to be sub divided into separate tax lots. In years gone by there was little or no planning on many parcels of land, and lots were used and built upon with little or no consideration of Street Layout or access. This created a need for land owners and the City to come to some sensible agreement on how best to allow a property owner to use his property in a way that did not infringe on others but was fair and safe for all concerned. This is exactly what the Conditional Use Permit should do. It usually creates a situation that improves an area and contributes to the widening of access to properties that had little or no access in the past.

In the case at hand it appears that the appellant to this Permit is doing what the Commission requested not be done. And that is using emotional and self serving arguments to object to the Permit. Only Building Code and City Building and Roadway Ordinances should be considered when evaluating this Permit...

I would like to once again offer the suggestion that the City consider Otter Terrace and the adjacent roadway easement to the south of Otter Terrace to create a Street access with sidewalks and underground utility and water lines. This would result in an improvement to the City street layout and to all adjacent property owners and allow for the proper use of each lot in the area without Conditional Use Permits.

I would appreciate if this letter becomes part of the file for this hearing as I will be out of town and unable to appear personally.

Thank you for your considerations:

Sincerely

A handwritten signature in cursive script, appearing to read "Allen Gordon". The signature is written in dark ink and is positioned above the printed name.

Allen Gordon

CITY OF BROOKINGS PLANNING COMMISSION
STAFF AGENDA REPORT

SUBJECT: Conditional Use Permit
FILE NO: CUP- 7 - 06
HEARING DATE: July 11, 2006

REPORT DATE: June 30, 2006
ITEM NO: 8.1

GENERAL INFORMATION

PROPERTY OWNER: Ilona and Steven Gyurko

REPRESENTATIVE: Zoltan Istuan Gyurko

REQUEST: A Conditional Use Permit to establish a dwelling group consisting of two proposed single family dwellings on one lot that cannot be further divided. There is one single family dwelling on the subject property presently.

TOTAL LAND AREA: 35,719 sq. ft.

LOCATION: The subject property is located near the terminus of Tanbark Rd. adjacent to the Pacific Ocean.
Address: 19 Tanbark Rd.

ASSESSOR'S MAP NUMBER: Map 41-13-08BB; Tax lot 2000

ZONING / COMPREHENSIVE PLAN INFORMATION

EXISTING: Residential (R-1-6) Zone

PROPOSED: Same.

SURROUNDING: The surrounding parcels are all zoned Single Family Residential (R-1-6).

COMP. PLAN: Residential

LAND USE INFORMATION

EXISTING: An existing single family dwelling.

PROPOSED: Two additional single family dwellings approved as a dwelling group for a total of three dwellings.

SURROUNDING: Residentially zoned and developed parcels surround the subject property.

PUBLIC NOTICE: Mailed to all property owners within 250 feet of subject property and published in local newspaper.

APPLICABLE CRITERIA: Land Development Code – Ordinance No. 89-0-446
Section 20.110 R-1-6 Zone – Dwelling Group
Section 140.050 – Conditional Use Permit - Action by the Planning Commission
Section 100 – Hazardous Building Site Protection

Note: Bolded Sections are included in staff report as Attachment A. Section 140.050 and Section 20.110 criteria can be found on pages 2 - 4 of the staff report.

BACKGROUND INFORMATION

The subject property is a 35,719 sq. ft. parcel located at 19 Tanbark Rd. accessed by a driveway easement named Otter Terrace. The southeasterly portion of the parcel is adjacent to the Pacific Ocean. The existing dwelling is located on the westerly, central portion of the property. The parcel slopes to the southeast, north of the existing dwelling, and generally slopes gently towards the ocean until reaching the ocean bluff.

Tanbark Rd. is a two-lane paved travel surface within a 51 ft. right-of-way with no other improvements adjacent to the frontage of the subject property.

City water and sewer lines are available to serve both dwellings (**Attachment B**).

PROPOSED CONDITIONAL USE PERMIT

The applicant is requesting a conditional use permit to create a dwelling group on the subject property. Due to limited street frontage, it is not possible to partition this property. The subject property has sufficient square footage to site three single family dwellings. The property is zoned Residential, R-1-6, requiring at least 6,000 sq. ft. per dwelling unit. All surrounding properties have the same zoning designation and are developed with single family dwellings. An existing access easement from Tanbark Road heading east into the buildable area of the lot would serve each of the dwellings. The subject property is adjacent to the ocean and materials addressing Section 100, Hazardous Building Sites have been provided (**Attachment C**).

ANALYSIS

In order to grant any conditional use, the Planning Commission must find that the application meets the requirements of the following criteria:

City of Brookings – Land Development Code

Criteria and Responses to Section 20.110 – Dwelling Groups.

A. Density. The number of dwelling units allowed shall be established by dividing the total lot area by the

minimum lot area of the underlying zone.

- **Need 6,000 sq. ft. per dwelling. 3 dwellings = 18,000 sq. ft. needed. Total sq. ft. of parcel is 35,719.**

1. All residential buildings shall be single family.

- **Proposed dwellings are single family.**

2. Building may be cluster on the lot.

- **Applicant chose not to cluster dwellings.**

B. Setbacks. The distance between any principal buildings and the property line shall be not less than established in Section 20.060. The minimum distance between residential buildings shall be twice the minimum side yard setback that would be required for the tallest building on the lot; provided, however, that in no case shall the distance be less than 10 feet. This requirement shall also apply to other open space. An inner court providing access to double-row dwelling groups shall be a minimum of 20 feet in width.

- **Property is subject to rear lot development standards. 10 ft setback required from all property lines. 20 ft. distance required between dwellings. Plot plan demonstrates these to be met.**

C. Access. Every building containing a dwelling in the group shall be within 60 feet of an access roadway having a curb to curb section of at least 20 feet in width providing vehicular access from a public street.

- **Otter Terrace is the "access roadway" which takes access from a public street, Tanbark Rd. The plot plan shows the required 20 paved surface on Otter Terrace to within 60 feet of each dwelling.**

D. Neighborhood character. The development of dwelling groups shall respect the character of both the neighborhood in which it is located and the properties adjacent to said dwelling group. Emphasis shall be placed on retention of neighborhood character and privacy of adjacent properties when reviewing dwelling groups.

- **The neighborhood is zoned for and developed with stick-built, single family dwellings similar in size to the two proposed dwellings. The proposed setbacks from adjacent property boundaries met the requirements in the zone. The parcel has almost twice the square footage that is needed to site two additional dwellings.**

E. All dwelling groups shall be subject to the review and approval of the Site Plan Committee, as provided in Section 80.

- **This review and approval is done at the time a building permit is requested.**

Criteria and Responses to Sec. 140.050 – Conditional Use Permits, and Sec. 100 – Hazardous Building Sites

1. The proposal is in compliance with the Comprehensive Plan.

- **A dwelling group is allowed to provide efficient use of lots that cannot be divided through the provisions of the Land Development Code. The subject property cannot be divided due to a lack of street frontage. It does meet the standards for a dwelling group. The Comprehensive**

Plan for the subject property is residential and the proposal is for a residential use.

2. The site for the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by this code.
 - **The parcel consists of 35,719 sq. ft. which is more than five times the lot size required in the R-1-6 zone. A dwelling group allows one single family dwelling for each 6,000 sq. ft. of lot area. There is an existing single family dwelling and the applicant proposes to site two additional dwellings for a total of three dwellings on the parcel, requiring 18,000 sq. ft.**

The subject property has only 25 feet of frontage on Tanbark Rd., resulting in a "flag lot" configuration. This parcel can not be partitioned as it does not have adequate frontage on a street. Using the 25 ft. wide driveway area the subject property does meet the standard for accessing a dwelling group. "Rear lot development" setback standards, which are 10 feet from all property lines, are applicable for the subject property. The dwelling density, setbacks, and driveway, as described and shown on the plot plan (Exhibit 3), meet the requirements for a dwelling group. The proposed two off-street parking spaces for each dwelling meet the parking requirements.

The subject property is adjacent to the ocean and is subject to Section 100 – Hazardous Building Site and Hillside Standards. The applicant has provided the required geologic hazard report and engineering plans, covering grading, erosion control and storm water drainage (Attachment C).

3. The site for the proposed use relates to streets and highways adequate in width and degree of improvement to handle the quantity and kind of vehicular traffic that would be generated by the proposed use.
 - **The property is accessed by Tanbark Rd., a two-lane paved travel lane within a 51 ft. right-of-way. The property fronts on Tanbark for 25 feet, which provides access. The driveway access easement must meet dwelling group requirements of 20 feet of paved road surface to within 60 feet of each dwelling. The applicant has a turn-around area reviewed and approved by the City Fire Chief at the end of the driveway (Exhibit 4).**
4. The proposed use will have minimal adverse impact upon adjoining properties and the improvements thereon. In making this determination, the commission shall consider, but not be limited to, the proposed location of the improvements on the site, vehicular egress/ingress and internal circulation, pedestrian access, setbacks, height and bulk of buildings, walls and fences, landscaping, screening, exterior lighting and signing.
 - **The subject property is within an area zoned for residential use. The dwelling density will be no greater than the zone allows. Setbacks are required to meet the standards of the Rear Lot Development. The proposed dwellings are typical in size to many in the neighborhood. The existing dwelling currently uses the driveway that will also serve the two proposed dwellings. No new access point will be created.**
5. In areas designated as requiring preservation of historic, scenic or cultural attributes, proposed structures will be of a design complimentary to the surrounding area.
 - **There are no historic, scenic or cultural attributes on or within the general vicinity of the subject site.**

FINDINGS AND CONCLUSIONS

1. The applicant is requesting a conditional use permit to establish a dwelling group on the subject property, zoned R-1-6, by siting two additional single family dwellings on a 35,719 sq. ft. parcel. Due to frontage limitations, this parcel can not be divided. The parcel does have more than five times the 6,000 sq. ft. per dwelling required by the R-1-6 zone, therefore a dwelling group can be accommodated. As proposed, setbacks, driveway and parking requirements are adequate. Water and sewer service is available to the subject property. Materials addressing Section 100, Hazardous Building Sites and Hillsides Standards, have been submitted. Applicant must construct proposed dwellings in compliance with recommendations in the geologic hazard report and engineered plans.

Written concerns have been submitted by adjacent property owners (**Attachment D**). The concerns relate to lot size, access, density, privacy, guest houses, solar access, creation of substandard lots, and parking. Most of these have been considered in the applicant's findings and previously in this staff report and found to meet the required standards. The following is further analysis of the concerns:

- The proposed access way is not a street. It is a driveway serving the subject property, with easements allowing access to three adjacent parcels. Dwelling group standards requires a 20 ft. paved access which accommodates two 10 ft. wide travel lanes. Concerns have been stated about parking on this driveway. A recommended condition of approval will be signage stating "No parking allowed on driveway". Another recommended condition of approval requires the applicant to maintain the paved access way.
- Some concerns about privacy were raised, although the applicant is not requesting a deviation from normal required setbacks. The Planning Commission may want to consider requiring a fence or landscaping as a condition of approval.
- The proposal is not for guest houses. The proposal is for two single family dwellings. Due to road frontage limitations this parcel can not be partitioned and therefore no new parcels are being created.
- The issue of solar access is not one of the criteria for approving a structure in the City.

Considering the above and proposed conditions of approval Criterion 2 is met.

2. The subject property is accessed via Tanbark Rd. a two-lane paved travel surface within a 51 ft. right-of-way. Street improvements in the area adjacent to the access easement for this parcel will be required. An existing shared access will be used to access the dwellings on the parcel. The applicant has discussed a paved turn-around area with the City Fire Chief. The approved area is adjacent to the northerly boundary at the end of the driveway. With the requirement that the easement frontage be improved and the 20 foot wide driveway and turn-around area by paved, criterion 3 is met.
3. The subject property is within an area zoned for residential use. As the proposed use is residential and would authorize no more density than the zone allows, the proposed dwellings are similar in size to others in the vicinity, and no deviation to height or setbacks are being requested, the use appears to be appropriate for the neighborhood. The existing dwelling currently uses the driveway easement that would also serve the two proposed dwellings. No new access point will be created. Criterion 4 is met.
4. There are no historic, scenic or cultural attributes on the subject property or the surrounding area. Criterion 5 is met.
5. The proposed use meets the requirements of the criteria addressed above and a residential use is in keeping

with the Comprehensive Plan Designation for the property. Criterion 1 is met.

The applicant's findings are included as **Attachment E**.

CONDITIONS OF APPROVAL

1. Approval of this Conditional Use Permit will expire one year from date of approval unless the project comes under substantial construction and continues under construction. The Planning Commission may extend the permit for an additional one-year period at the request of the applicant.
2. The dwelling group siting standards, as stated in the R-1-6 Zone, Section 20.110, must be met.
3. The existing access must serve as access for the proposed dwelling group. The access must be paved to a width of at least 20 ft. and provide for the approved turn-around area. Signs must be erected stating "No parking allowed on driveway". The applicant must maintain this access driveway.
4. The 25 feet of frontage adjacent to Tanbark Rd. must be improved. The applicant must coordinate with City Public Works Department concerning this matter.
5. The geologic hazard report and engineered grading, erosion control, and storm water drainage plans addressing Section 100 standards must be approved by the City prior to any site preparation for the proposed construction. Recommendations as stated in the reports and approved by the City must be implemented.
6. Rear Lot Development setback standards (minimum 10 ft. from all property lines) must be used when siting structures on the subject property.
7. Prior to any construction or grading on the site, the contractor will place, in a location visible from an existing public street, a sign containing the name of the contractor and a telephone number where the contractor can be reached.

RECOMMENDATION

Staff recommends approval of Case File No. CUP-7-06, based on the findings and conclusions stated in the staff report and subject to the conditions of approval listed above.

Staff has prepared a Final ORDER to be considered at this meeting.



Applicant: Zoltan Gyurko

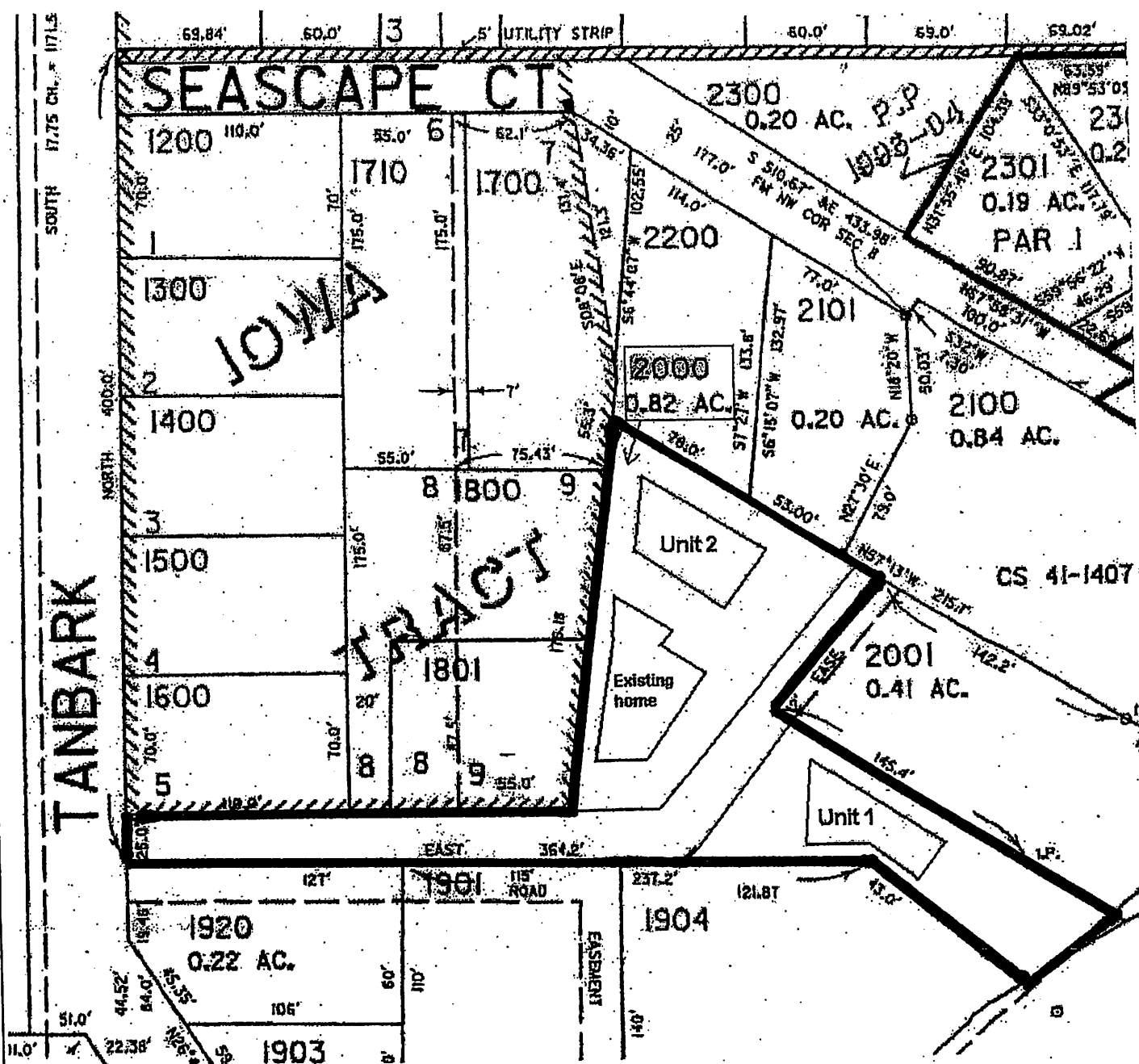
Assessor's No: 41-13-08BB Tax Lot 2000

Size: 0.82 acre

Location: 19 Tanbark Road

Zone: R-1-6 (Single-family Residential, 6,000 sq. ft. minimum lot size)





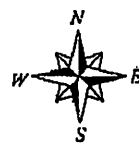
Applicant: Zoltan Gyurko

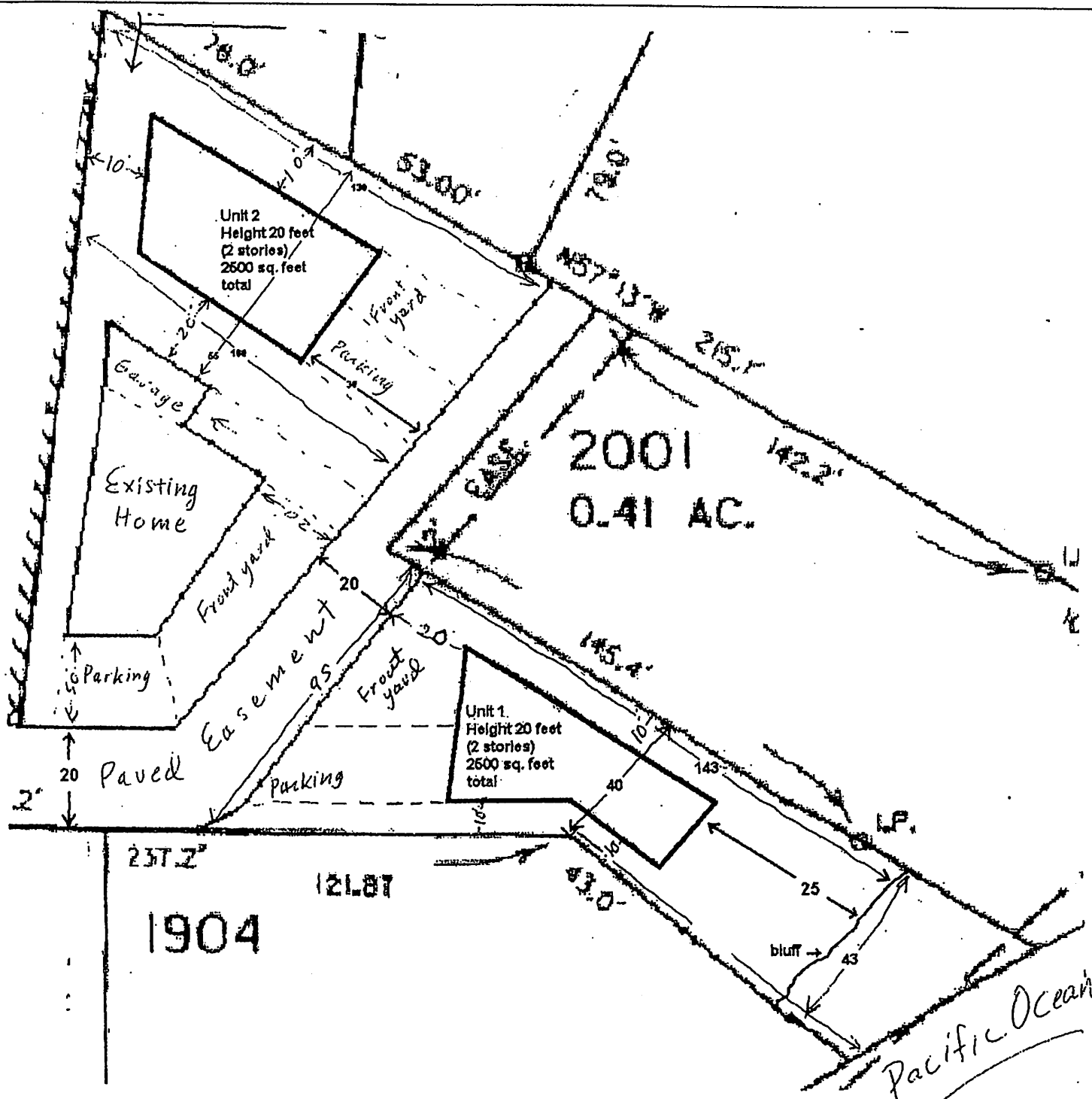
Assessor's No: 41-13-08BB Tax Lot 2000

Size: 0.82 acre

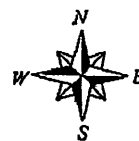
Location: 19 Tanbark Road

Zone: R-1-6 (Single-family Residential, 6,000 sq. ft. minimum lot size)



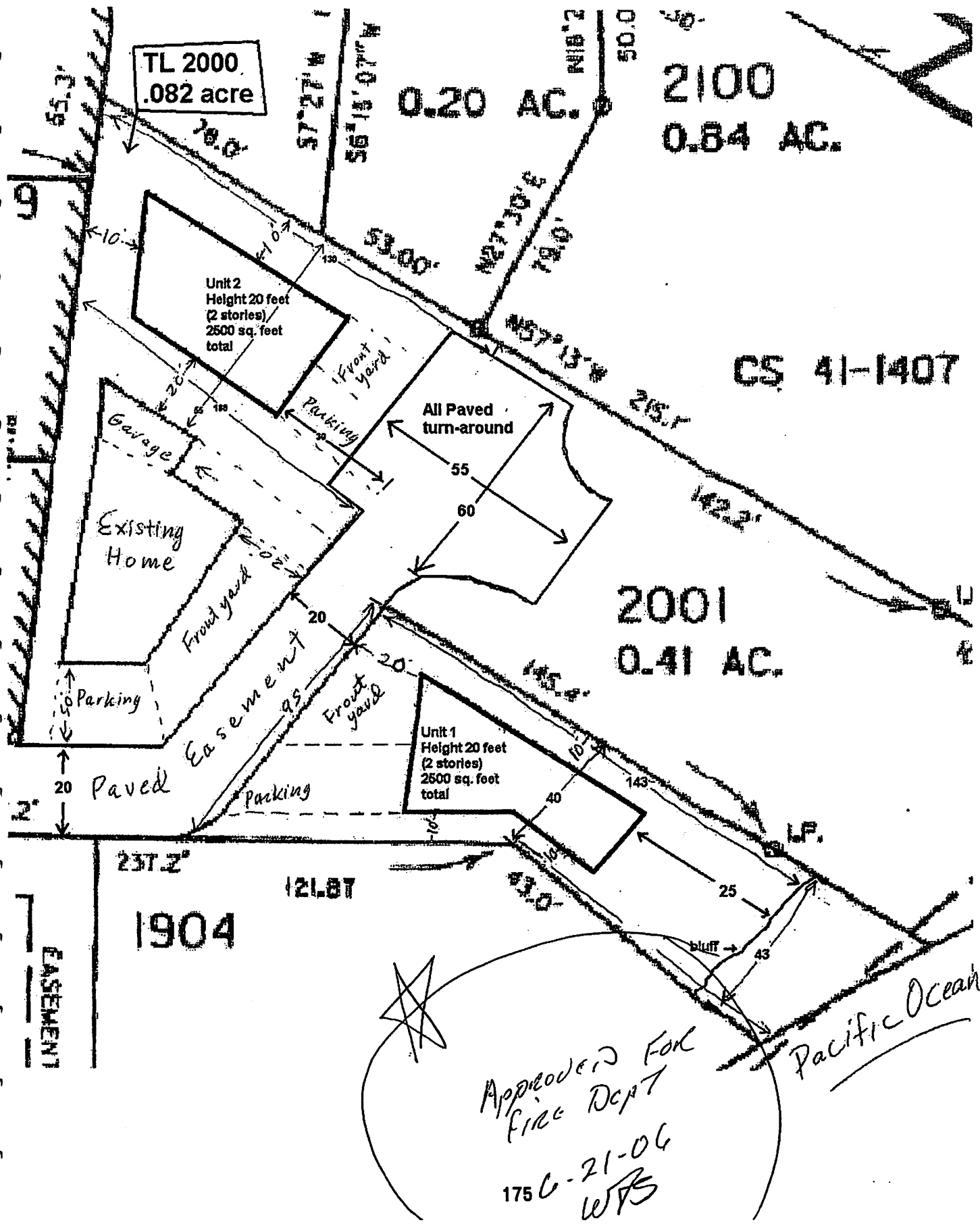


Zone: R-1-6 (Single-family Residential, 6,000 sq. ft. minimum lot size)



**Proposed plan for 2 new residences
(Unit 1 & 2 below) on property:
19 Tanbark Rd. (TL 2000)**

Zol in Gyurko
19 Tanbark Rd.
Brookings, OR 97415
(541) 661-1070
Application for Conditional Use permit
for Group Dwellings on property:
19 Tanbark Rd. (TL 2000)



100.040

BROOKINGS DEVELOPMENT CODE

100.050.B

100.040 Site study authorization.

- A. The City Manager or a qualified designee may require a site study by a certified engineering geologist, civil engineer registered in the State of Oregon and/or other qualified person prior to issuance of a building or grading permit or the approval of a partition plat, subdivision plat, or conditional use permit, in areas containing or adjacent to a fault zone, sinkhole, unstable soils, steep slopes, high water table, or other geologic hazard. Site studies may also be required for construction or excavation in areas of steep slope, where, in the opinion of the City Manager or a qualified designee, there is a potential hazard to the proposed structure(s) or to any adjacent property.

(Section 100.040.A as amended by Ordinance 99-O-446.FF, effective June 9, 1999)

- B.) Site specific studies may be required by the City Manager or a qualified designee, or the Planning Commission for construction or development of property containing weak or unstable foundation soils or other geologic factors as determined by the soils or geology engineering geology report. Site reports shall include bearing capacity of the soil, soil stability, pertinent geological formations, adequacy and method of drainage facilities, and soil compaction and other requirements necessary for stability prior to construction. Location and characteristics of weak foundation soils and geologic formations shall be updated as information becomes available.

100.050 Site preparation

- A. No property shall be disturbed, excavated, filled or developed within the city so as to cause slides of mud, soil, rock, vegetative material or any erosional or depositional material to be pushed onto, deposited upon or gravitated to the property of another.
- B. Prior to any site preparation on an existing lot, or on an approved but unrecorded minor or major partition or subdivision, on slopes greater than 15% grade, the applicant shall submit grading plans prepared by an Oregon licensed civil engineer showing the following information for approval of the City Engineer:

1. All cut and fill slopes associated with new or improved roads, driveways and building pads and methods of fill compaction.
 2. All utility grading including the placement of electrical, television and telephone cables.
 3. Areas of the site to be denuded of vegetation cover.
 4. Mitigation measures including erosion control, permanent planting and an implementation time table. The implementation time table shall be approved by the City Engineer and/or City Manager in regard to the season(s) in which construction will occur.
 5. A drainage plan to control water runoff during construction.
- C. All vegetation removal and grading on an existing lot, or on an approved but unrecorded minor or major partition or subdivision on slopes greater than 15% grade shall be carried out as per approved grading plans and under the supervision of the project engineer.
- D. Erosion and sedimentation caused by storm water runoff shall be minimized by employing the following measures, or substitute measures deemed acceptable by the City Manager or a qualified designee:
1. Only the minimal removal of vegetation cover, particularly tree cover, necessary for building placement or access, shall be done. Removal of trees and brush for view enhancement can be a part of the grading plan if such an action does not increase the potential hazard and/or mitigation can be applied. The city shall observe this in the development of streets and building pads.
 2. Temporary measures for controlling runoff, such as berms, holding ponds, terraces and ditches shall be used as required, particularly in areas having slopes of 15% or greater.
 3. Exposed areas shall be mulched and kept covered during construction to eliminate dust, mud, erosion or sedimentation, and shall be planted in permanent cover within thirty (30) days or as per the approved grading plan of Section 100.050.B.

-)
- E. For a structure, driveway, parking area or other impervious surfaces in areas of 15% slope and greater, the release rate and sedimentation of storm water shall be controlled by the use of retention facilities as specified by the project engineer and approved by the City Engineer or other qualified designee. The storm drain facilities shall be designed for storms having a 25-year recurrence frequency. Storm water shall be directed into drainage with capacity to be calculated in accordance with the City's Comprehensive Plan for Storm Drainage Development, so as not to flood adjacent or downstream property.
 - F. In all areas of the city, the City Manager or a qualified designee may require culverts or other drainage facilities, designed in accordance with the City's Comprehensive Plan for Storm Drainage Development, be installed as a condition of construction.
 - G. Developments which abut the coastal bluffs or coastal shoreland boundary, or direct surface water runoff over the bluffs or boundary will require special impact mitigation measures.
 - H. Filling of lowlands shall be done only where it is determined that the fill will not cause flooding or damage to adjacent properties and where adequate drainage facilities are installed.
-)

CITY OF BROOKINGS



PUBLIC WORKS UTILITY CONFIRMATION FORM

This form must be sign by Public Works Division and then submitted with your application. Bring a copy of your plot plan or plat when discussing your proposal with Public Works.

I. Application Information – This section to be filled out by applicant

Applicant Name: ZOLTAN GYURKO Date: 6.5.06

Assessor Map #: 41-13-08 BB Tax Lot: 2000

Site Address: 19 TANBARK

Proposal: ☐ Subdivision/ Partition ☐ Variance
☒ Conditional Use Permit ☐ Other

TWO ADDITIONAL DWELLINGS ON THIS PARCEL

II. Utility Information – This section to be filled out and signed by Public Works

Water Lines – Location and size of existing lines 6" ON TANBARK Adequate?
 Location and size of proposed lines _____

Sewer Lines – Location and size of existing lines 10" A.C. on easement Adequate? Yes
 Location and size of proposed lines Need Engineered plans for loading on sewer line from any structure within 10-ft of sewer line

Required Street Improvements - per PC

Signature D.T. Wilcox

Title PW Director

Date 6/7/06

**GEOLOGIC EVALUATION OF
PROPERTY FOR DEVELOPMENT**

For Zoltan Gyurko
Unit 1 Group Dwelling Proposal
19 Tan Bark Road
Brookings, OR
TL 2000 41-13-08BB



TERRA FIRMA
Geologic Services
180 541-247-2091



TERRA FIRMA

Geologic Services

C-2

Ron Sonnevil, C.E.G.
Engineering Geologist

27766 Hunter Creek Road
Gold Beach, Oregon 97444

541-247-2091
541-247-7173 Fax
ron@terrafirmageo.com

DATE: May 18, 2006

FROM: Ron Sonnevil, Engineering Geologist

TO: Zoltan Gyurko
19 Tanbark Road
Brookings, Oregon 97415

SUBJECT: Evaluation of Property For Development

INTRODUCTION

This report concerns a property located at 19 Tanbark in Brookings, Oregon (41-13-08BB TL 2000). The property is the subject of a group dwelling proposal and the purpose of this investigation is to address the feasibility of constructing Unit 1 of the proposed group dwelling in the eastern part of the .82 acre parcel. The investigation consisted of site visits and mapping during April and May, 2006 and inspection of stereographic aerial photographs taken in 1955, 1970 and 1997.

SITE CONDITIONS

The study site is accessed from a paved drive off of Tanbark Road and is on the east side of Tanbark Point (Figure 1). The investigated area includes a grass covered gently sloping area with a gradient of about 5 percent and an adjacent seacliff. The property consists of a gently sloping marine terrace that is bounded to the east by a 60 to 70 foot tall seacliff (Figures 2 and 3). Slopes on the seacliff range from locally 30 to 40 degrees in the upper northern part of the cliff face but much of the seacliff has gradients of 45 to 70 degrees. The seacliff also contains small ridge features and nearly vertical rock faces. The seacliff consists of either bare rock or is covered with a dense growth of brush and ivy. A significant amount of debris (grass, brush and tree trimmings) has been tossed onto the cliff from above, obscuring much of the upper part of the cliff.

The upper 10 to 15 feet of the property consists of Pleistocene age (approximately 80,000 years old) terrace deposits consisting of weakly cemented sand and gravel. The terrace deposits are underlain by Jurassic Age (approximately 150 million years old) bedrock of the Dothan Formation (Beaulieu and Hughes, 1976). The terrace sediments are not well exposed but the bedrock is well exposed on the lower half of the seacliff. The sandstone bedrock consists of greywacke sandstone with bed thickness ranging from several inches to several feet. The sandstone bedding, where it is apparent near the west edge of the stairs, strikes north-northeast and dips steeply to the southwest. The seacliff in this immediate area contains small ridges that represent layers of sandstone dominant bedrock. It is apparent that the bedrock materials between the ridges are significantly

weaker and consist of either fractured rock or contain a significant amount of siltstone and mudstone which is inherently weaker and more easily eroded than the massive sandstone.

All of the bedrock exposed on the cliff face displays fracturing but fracturing is much more extensive adjacent to a shear zone, or fault, that is exposed on the cliff (Figure 2). Seepage is associated with the highly fractured rock within the shear zone. Although it is possible to measure several different sets of joints (or parallel fracture systems on in the rock) the two dominant joint sets are essentially perpendicular and trend north-northeast and west-northwest. Both of these joints are nearly vertical and account for the very steep rock faces exposed on the seacliff.

GEOLOGIC HAZARDS

Seacliff Erosion and Failure

The seacliff on and adjacent to this property is very steep and a significant amount of highly fractured rock is exposed on it. Examination of historic aerial photographs reveals no measurable historic retreat of the seacliff at this site, however, one must consider the scale of the photography (1 inch = 1000 feet) combined with the fact that shadows and vegetation obscure portions of it. The morphology of the seacliff at this site is highly irregular and the gradients on it are locally very steep. Both of these indicate that the seacliff is eroding and retreating rapidly on a geologic time scale. Our close examination of the seacliff reveals that most of the seacliff on or immediately adjacent to this property has experienced very little recent erosion except in the vicinity of the shear zone near the south property line where the rock is highly fractured and erosion, in the form of rock fall events, is quite active.

Seacliff retreat at sites like this occurs in two general ways. For most of the seacliff in this immediate area the erosion and retreat is episodic, occurring as infrequent events triggered by large events such as storms, earthquakes or wave erosion events. Most of the seacliff below this property area will probably experience minimal change except during a significant earthquake. The one area that is expected to experience the greatest change in the future is near the south property line where the rock is extensively fractured.

Erosion of the bedrock on the seacliff in that area is quite active and it is apparent that small rockfall events occur regularly, sometimes several times annually. This process has resulted in the seacliff to become over-steepened for the fractured materials that exist and it is my opinion that a significant failure of the seacliff is imminent. Predicting exactly how much change will occur is difficult but a failure involving up to 10-12+ feet of retreat appears very likely and a larger failure may be possible. When such a failure occurs it is likely to result in a very steep slope that will erode back to a gentler and more stable angle resulting in even more retreat of the seacliff.

Accurately predicting the amount of seacliff retreat that will occur when the area is subjected to seismic ground shaking is extremely difficult. The amount of change that occurs depends on the orientation and spacing of the rock fractures as well as the severity of the seismic ground shaking. The rock on much of the seacliff, particularly the upper part, is not exposed, thus, it is not possible to measure rock fractures on much of the cliff. The bedrock in this area is not uniform and it is likely that heterogeneities exist behind the cliff face. All of this must be considered when defining hazard areas and providing recommendations for construction setbacks. In my opinion many of the steeper seacliffs in the Brookings area are likely to experience rock fall events in response to seismic ground shaking associated with a nearby earthquake. I expect many such failures to have the potential to extend 10 to 20+ feet back into the seacliff.

Geologic Hazard Areas and Construction

Three geologic hazard areas are defined for this site including: Low-Moderate, Moderate-High and High hazard areas. The Low-Moderate hazard area is located 30 feet back from the top of the seacliff near the north property line and 35 feet back at the south property line. This difference is due to the presence of the fracture zone in the southern part of the area. The High hazard area is located 10 feet closer to the seacliff than the Low-Moderate Hazard area. In my opinion standard foundations are suited for structures located in the Low-Moderate Hazard area but structures located in the Moderate-High Hazard area should be founded on a deep foundation or on bedrock, whichever is shallower. Permanent structures are not recommended in the High Hazard area but they can be cantilevered over it from the Moderate-High hazard area.

Other Geologic Hazards

Other geologic hazards exist which have the potential to impact coastal properties including tsunamis, soft or weak soils, and impacts when properties are subjected to seismic ground shaking. In my opinion the risk is extremely low that a tsunami generated from a distant source such as Alaska or Japan will impact the proposed development due to its elevation. There is a slight possibility that a tsunami generated on the Cascadia Subduction Zone (CSZ) may be of sufficient height to impact the proposed development but the risk for such an event to occur is relatively low. Tsunamis generated by distant sources will be forecast in advance but the only warning of a nearby CSZ generated tsunami will be severe ground shaking. A CSZ-generated tsunami is expected to impact the coast within minutes of the earthquake event, thus, occupants of the structure are advised to seek higher ground if the area is subjected to severe seismic ground shaking.

A potential geologic hazard is seismic shaking related to a nearby earthquake. Recent geologic studies have demonstrated that the Northern California and Oregon coasts are periodically subjected to very large magnitude earthquakes (magnitude 8 or greater) generated on the Cascadia Subduction Zone (CSZ) which extends from just south of Eureka, California into Canada. The CSZ is an east dipping thrust fault which begins

about 50 miles offshore and extends beneath the Klamath Mountains and Coast Range of Oregon and Northern California. Large segments of the fault are thought to experience movement simultaneously, accounting for the very large magnitude which is predicted. The recurrence interval for these seismic events is thought to be 300 to 500 years with the last event being just over 300 years ago, thus, although an event is possible the risk is not very high that it will occur during the economic life of the development (calculated at having about a 10 to 20 percent chance of occurring in the next 50 years by (Charland and Priest (1995)).

Madin and Mabey (1996) compiled earthquake hazard maps for Oregon which delineate maximum earthquake shaking values (peak ground acceleration) expected in bedrock for earthquakes with recurrence intervals of 500, 1000 and 2500 years. The Brookings area is shown to have peak ground acceleration values of 0.65g, 0.85g and 1.15g for the 500, 1000 and 2500 year events, respectively, which means that there is a 10, 5 and 2 percent chance that these respective levels of shaking will occur within the next 50 years. Current building codes require that structures in this area be designed for ground acceleration values of approximately 0.4g. Apparently seismic requirements of the building code are not designed for a 500 year event but, instead, are designed for 50 to 100 year events.

Seismic shaking during infrequent, large magnitude earthquakes is undoubtedly very severe and has the potential to result in widespread damage to structures along the Oregon Coast. A magnitude 8-9 CSZ earthquake would be catastrophic and is likely to result in peak ground acceleration values of 1g or greater along the Southern Oregon coast. Such conditions have the potential to result in substantial structural damage to structures in this area and the owners can minimize structural damage by providing reinforcement beyond that called for in the building code.

The terrace sediments that underlie this property have a very low risk of experiencing liquefaction even during a major earthquake due to the lack of evidence for an elevated water table and the fact that most of the sandy material in the terrace deposits is medium dense to dense and cemented. The most likely impact to this property during a seismic event is a landslide failure on the seacliff. Determining exactly how far back the seacliff will fail during a particular seismic event is beyond the scope of this investigation and requires an understanding of heterogeneity within the bedrock that cannot be obtained by simply examining the seacliff face. A major CSZ earthquake could result in a seacliff failure of sufficient size to threaten a structure located in the Low-Moderate Hazard area but it is not expected to result in a failure large enough to carry the structure down to the beach.

CONCLUSIONS

1. Three hazard areas are defined for new construction on this property (Figure 2). The High hazard area extends 25 feet back from the top of the seacliff at the south property line and 20 feet back at the north property line. This difference is due to the extensive fracturing in the sandstone bedrock exposed on most of the seacliff below that area. The Moderate-High hazard area extends 10 feet back from the High hazard area. Permanent structures are not recommended in the High hazard area. Structures located in the Moderate-High hazard area should be founded on a deep foundation. In my opinion such a foundation should consist of drilled piers extending to a depth of 12 feet beneath the ground surface or to the top of the bedrock, whichever is shallower.
2. The recommendations for structures and foundation types within the various hazard areas applies to permanent structures and not temporary structures such as decks, stairways etc. Temporary structures can be located anywhere on the property if the owner is willing to accept the risk that they may be damaged by a slope failure.
3. Standard foundations are suitable in the Low hazard area, however footings should be located beneath the dark brown topsoil and bear on a reddish brown to yellow to brown clayey sandy silt or a tan colored sand of the terrace deposits. These materials are suitable for standard foundation loads of 2000 psf.
4. Development runoff should be contained in drain pipe and discharged onto hard bedrock exposed on the lower part of the seacliff in the northern part of the property. In my opinion runoff should not be discharged onto the seacliff in the southern part of the property because the rock is very fractured in that area and erosion is obviously more active there. A drainpipe from the neighboring property extends a few feet over the seacliff in that area. Runoff from that drainpipe could contribute to erosion of the seacliff in that area and it is recommended that it should be moved to an area where the damage will be less.
5. No evidence was found to indicate that the site is underlain by an active fault which has the potential to produce ground rupture. I could not safely examine where the shear zone on the seacliff in the southern part of the property intersects the terrace deposits, thus, I can not say for sure that the faulting that caused the shear zone does not offset the terrace deposits, however, there is no topographic evidence to suggest that it is younger than the terrace deposits. There is evidence, however, that nearby faults may be active and that severe ground shaking may occur. Structures throughout the southern Oregon coast should be designed to withstand severe, strong ground motion. Structures should be built to at least the



TERRA FIRMA
Geologic Services

541-247-2091
185

current building code guidelines and greater protection (at the owner's option) can be provided by designing for conditions that exceed the code standards.

REFERENCES

Beaulieu, J. D. and P. W. Hughes, 1976, Landuse Geology of Western Curry County, Oregon, *Bulletin. Oregon Department of Geology and Mineral Industries*, 90, 148 pp.

Charland, J.W. and G. R. Priest, 1995, Inventory of Critical and Essential Facilities Vulnerable to Earthquake or Tsunami Hazards on the Oregon Coast, *Oregon Department of Geology and Mineral Industries, Open File Report O-95-02*, 52pp.

Madin, I. P. and M. A. Mabey, 1996, Earthquake Hazard Maps for Oregon *Oregon Department of Geology and Mineral Industries, GMS-100*, 1 sheet.

LIMITATIONS

The conclusions in this report are opinions based on a current knowledge of erosion rates and erosion processes that are interpreted to have historically impacted the area and the soil and bedrock conditions which were observed nearby and are inferred to exist beneath the building site. No warranties, either expressed or implied are provided. This report is submitted with the limitation that damage caused by an extreme, historically unprecedented climatic or seismic event is borne by the property owner and is an inherent risk of having a structure near a tall very steep seacliff in a geologically active area.

Respectfully,



Ron Sonnevil

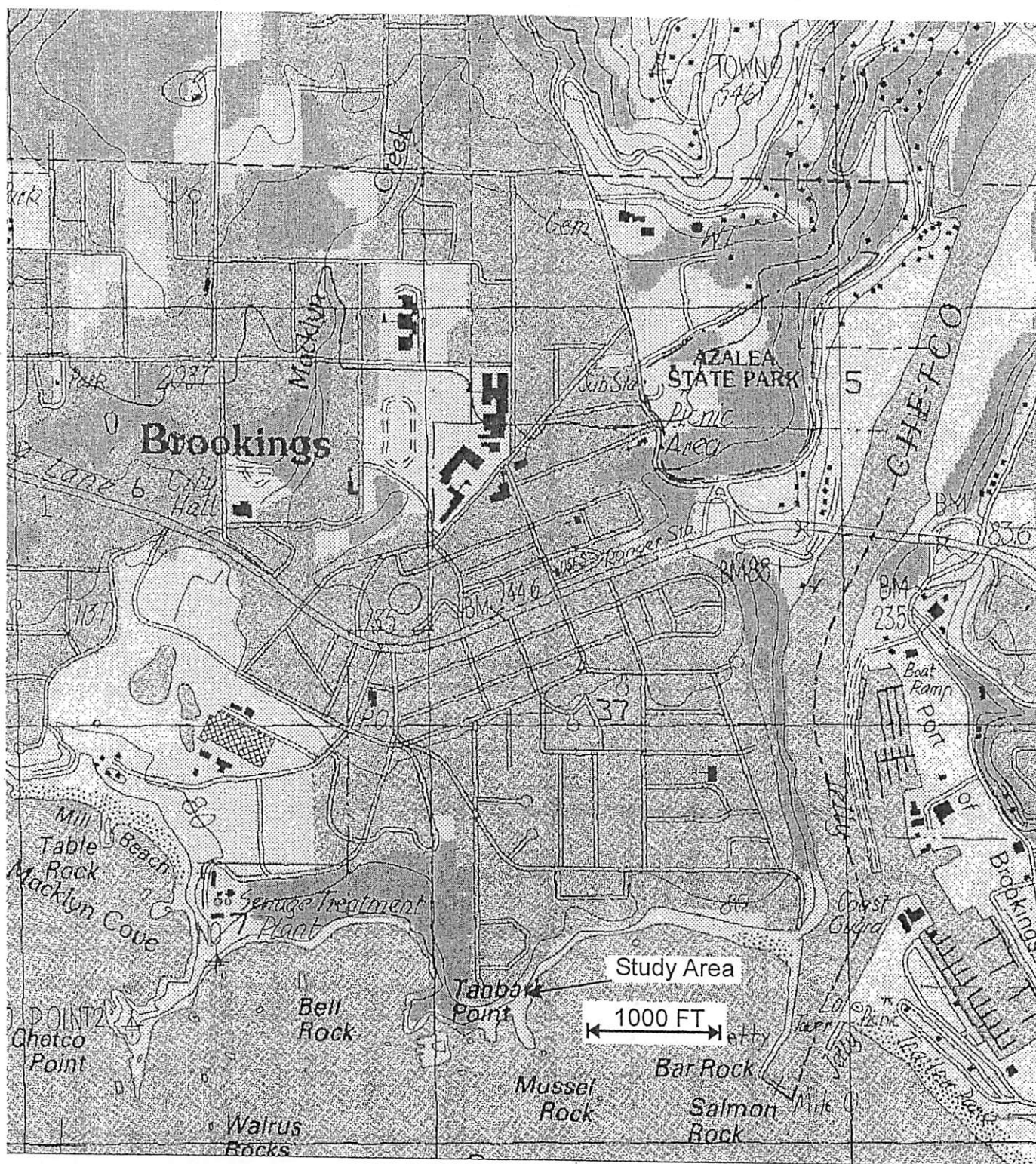


Figure 1. Project location source: Brookings 7.5 minute quadrangle.

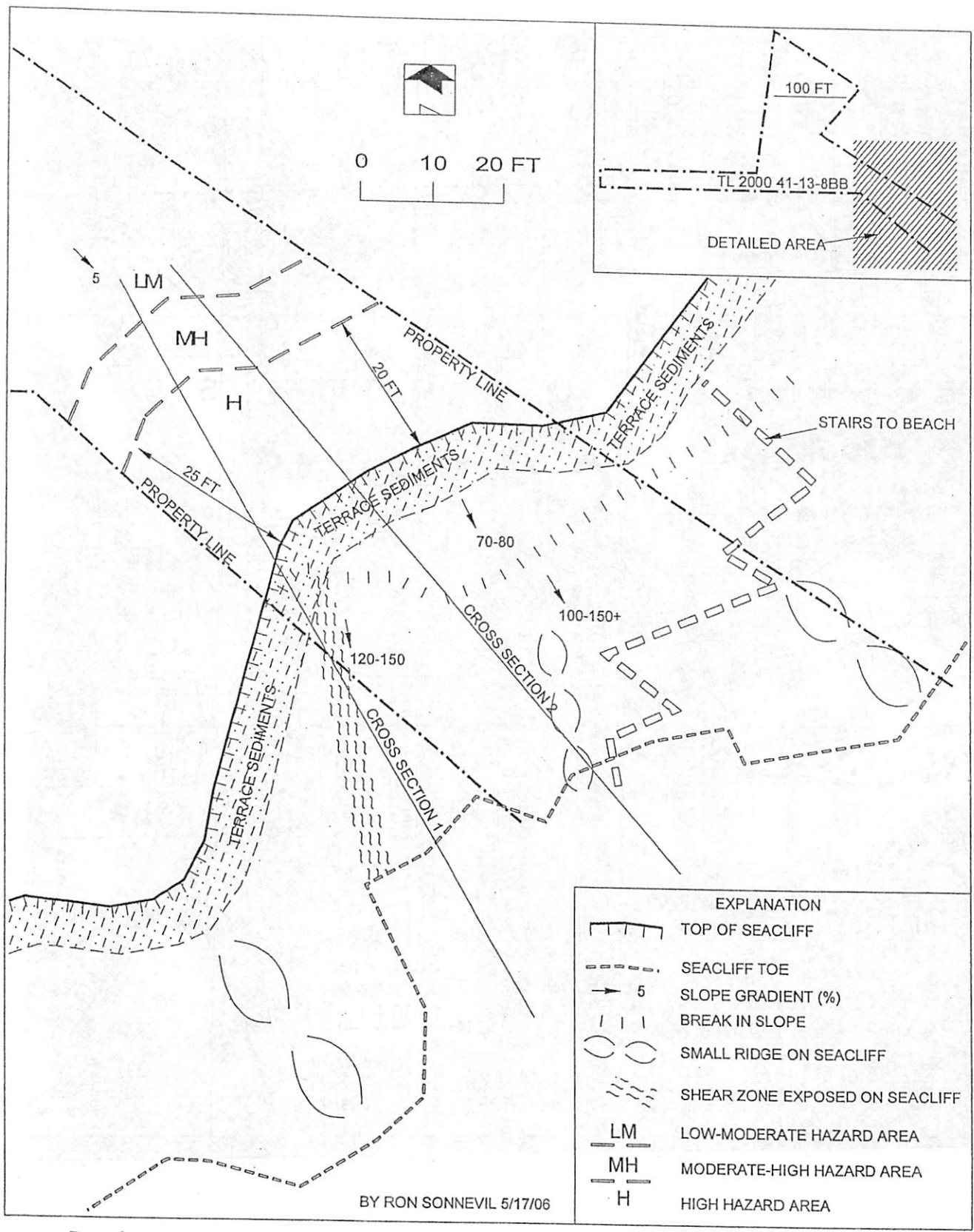


Figure 2. Sketch map of seaciff and adjacent area in east part of Tax Lot 2000 41-13-8BB, 19 Tanbark Road, Brookings, Oregon.

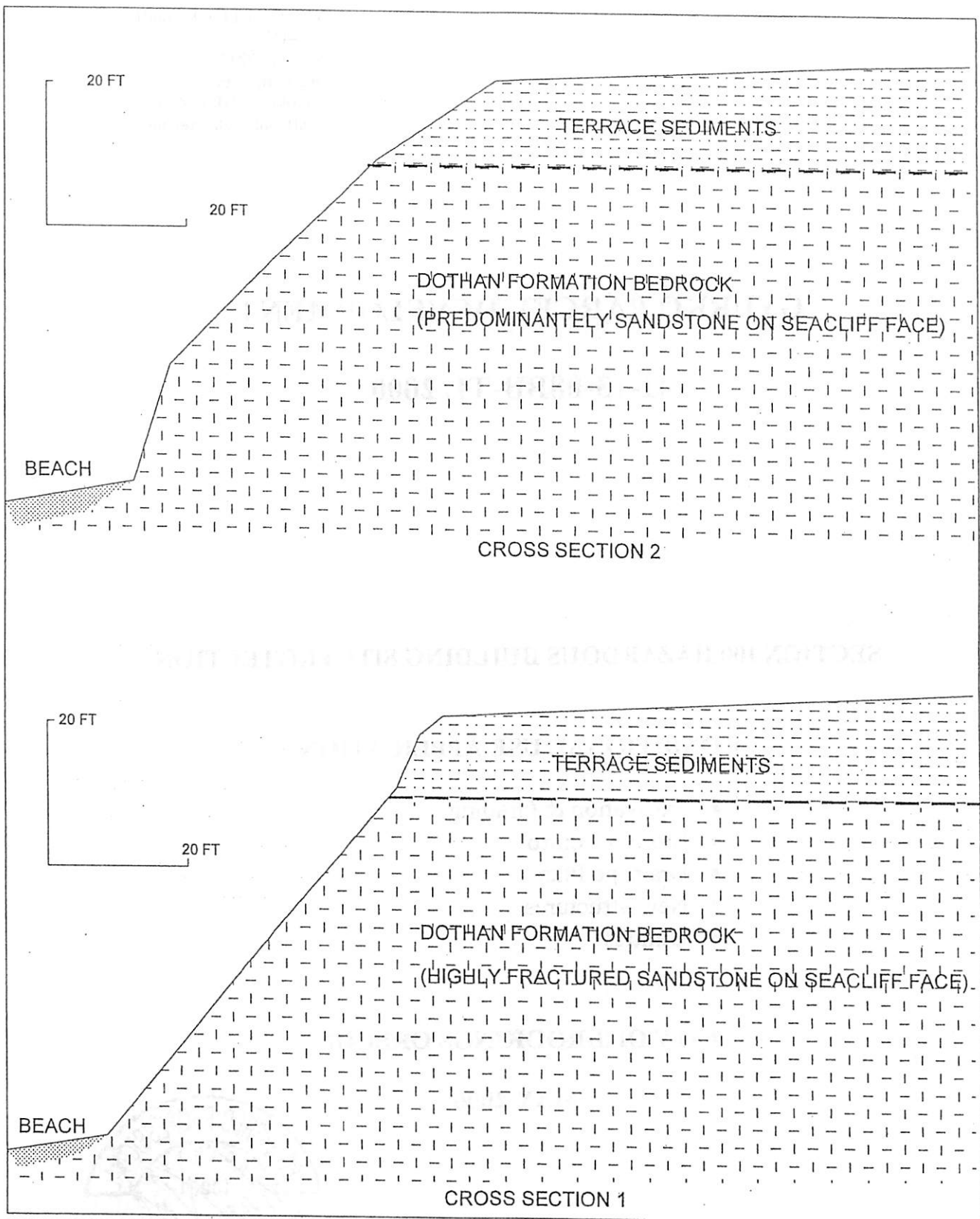


Figure 3. Cross sections across part of TL 2000 41-13-8BB, 19 Tanbark Road, Brookings, Oregon.

C-11

Engineer:
Walt Cook PE OR 10001
541-412-9541
541-263-7213
563 Fern Ave.
Brookings, OR 97415
waltcook@charter.net

GYURKO PARCEL DEVELOPMENT

41-13-08BB-TL 2000

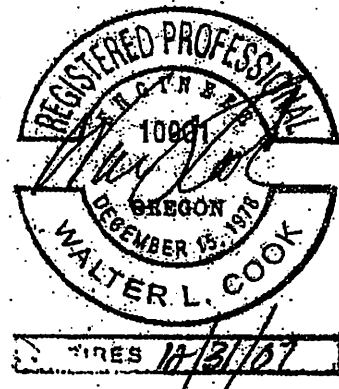
SECTION 100 HAZARDOUS BUILDING SITE PROTECTION

CONDITIONAL USE APPLICATION

- Excavation & Grading
- Erosion Control
- Drainage Plan
- New Structures
- Utilities

CITY OF BROOKINGS OREGON

MAY 2006



**GYURKO PARCEL DEVELOPMENT
41-13-08BB-TL 2000**

SECTION 100 HAZARDOUS BUILDING SITE PROTECTION

- Excavation & Grading
- Erosion Control
- Drainage Plan
- New Structures
- Utilities

Background – Scope of Report

The proposed development involves a conditional use where two residential structures would be added on a existing parcel, which currently includes a single residential structure. The 0.82-acre parcel, address 19 Tanbark Road, has approximately 40' of ocean frontage. The parcel is characterized by a gently sloping upper area 70 feet above sea level, then an ocean bluff transitioning at an 80 percent slope to sea level.

The parcel is accessed using a 25 ft. wide easement that enters from Tanbark Road. This report will support a conditional use application proposing to build two new structures.

Presented herein are the following sections;

- Erosion Control
- Excavation/ Grading plan will show the limits of excavation with calculations of quantity and proposed disposition of materials.
- The Drainage plan will address the collection of runoff from all impermeable areas, including paved areas, roof surface and runoff, which must be collected and discharged away from unstable areas located at the top edge of the bluff. Runoff will be collected with a series of area drains with silt traps routed to a collector manhole. From the manhole, runoff will flow through an ocean outfall. The outfall consists of a pipe that will carry water from the top of the bluff down to sea level. The pipe will be above ground and affixed to the bluff surface.
- New Structures will be 2,500 sf residential buildings with two above ground levels. Placement will comply with city standards and findings of the Geology Report.
- Utilities, including city sewer and water, along with dry utilities will be addressed.

The recommendations contained herein will conform to the findings of the Geology Report prepared by Terra Firma of Gold Beach, Oregon and city standards.

Excavation and Grading

Shown on the attached drawing, are the limits of excavation and grading. Minimal excavation will be required. Ground level floor elevations are 87.0' for the upper structure adjacent to the existing residence and 75.0' for the lower structure. The maximum cut will be 3.0' and the maximum fill will be 2.0'. The total quantity of excavated material will be 388.0 cy. The intent is to conduct minimal excavation and to balance cut and fill so that materials will not be imported or exported.

Overburden material will be set aside and used for landscaping. Final grading will blend excavation with existing areas, direct runoff to the collection system and to match driveway's with the existing access easement surface.

New Structures

Two new residential structures are proposed. The locations are shown on the attached drawing. The structures will be approximately 2,500 sf each. Set backs will include 10' from all parcel boundaries, 25' from the top of the ocean bluff and 20' between the existing structure located on the parcel. The structures will be 2 levels above ground and a below ground garage for the upper structure.

Foundations will be designed by a structural engineer, conforming to the findings of the Geology Report.

Drainage Plan

The drainage plan identifies the quantity of runoff from the proposed development. Developed areas include structures, paved access and paved street entrance. The design storm of 25 years results in 8.0 inches of rainfall over a 24-hour period according to NOAA isopluvial charts. Using a computer-modeling tool that emulates the Santa Barbra urban runoff technique, the following results were calculated. The computer modeling reports are presented hereinafter.

Storm water runoff will consist of runoff from impermeable and permeable surfaces. Roof drains, foundations, area drains and paved surfaces will be collected and then directed to a manhole and outfall pipe arrangement as shown on the drainage plan drawing, attached herewith. The ocean outfall will be anchored to the face of the bluff, descending down to an elevation of 20' where discharge onto a solid rock outcropping will dissipate energy. Erosion, wind forces and wave action will determine the final design.

Computer analysis is used to determine peak runoff and time of concentration for a 25-year storm. The composite hydrograph predicts that the peak flow will be 1.62 cfs. The pipe designer, results attached, shows that a 12" pipe would carry the total flow required of the ocean outfall. Minimum pipe sub-segments are recommended to be 4" from roof and foundation, 6" from all area drains and an 12" main drain line running parallel with the northern property line. The main line will be installed at a depth of 4', sloping at 9% to the top

of bluff. The main drain line begins on the western side of the access easement, passes under the easement and over the top of the existing sewer with a 5.0' vertical separation. The ADS system N-12 or equal using HDPP material is required. This system includes a slope/rock anchor required to hold the ocean outfall, manufactured for marine environments by Oregon Culverts for ADS.

Area drains shown on the drainage plan drawing will collect water from all surfaces including the access easement beginning at Tanbark Rd. All drain laterals from area drains will be 6" HDPP. Roof and foundation drains will connect to 4" laterals and then to the 12" main drain line. Clean-outs will be installed at the end of the main line and all laterals.

Erosion Control

Erosion will be minimal and contained within the limits of excavation. Straw wattles will be placed along the top of the bluff and along the edge of the access easement below the limits of excavation for the upper structure. The storm drain manhole located at the top of the bluff along with the 12" drainage culvert downstream of the manhole will be installed prior to beginning excavation. Runoff from the project construction will be directed to the new drainage system in order to prevent erosion of the steep face of the bluff.

Utilities

Sewer passes through the parcel at a depth of 10.0' and water service extends down the access easement from a city water meter on Tanbark Rd.. Both utilities will serve the new structures without any difficulty.

Dry utilities including power, phone and cable run overhead to a pole on the southern property boundary where the access easement changes alignment. Service to the new structures will run underground along alignment to be determined by the utility providers.

C-15

CFA Consulting Engineers

WLC 12:38 27-May-06

Project GYURKO

DRAINAGE PLAN 41-13 8BB TL2000

RUNOFF by the SANTA BARBARA URBAN HYDROGRAPH
0.82 acre parcel (.8 acre impervious)

2-year, 24-hour rainfall = 3.00"

flow type	description	coeff.	distance	fall	slope	T/C
1 overland sheet	smooth surf.	n=0.011	100.0	7.0'	7.00%	0.8'
2 pipe	plastic pipe	n=0.010	150.0	9.0'	6.00%	0.1'

total Time of Concentration = 1.0'

storm hyetograph: SCS TypeI

return period = 25 years

storm duration = 24 hr.

total rainfall = 8.00 in.

pervious area = 0.02 A CN = 68 Gp A:landsc, good cond.

impervious area = 0.80 A CN = 98

total site area = 0.82 A

hydrograph file: c:\progra~1\rhino\newfol~1\gyurko.hyd

peak flow = 1.62 cfs @ 9.83 hr.

runoff volume = 22,840 cu.ft.

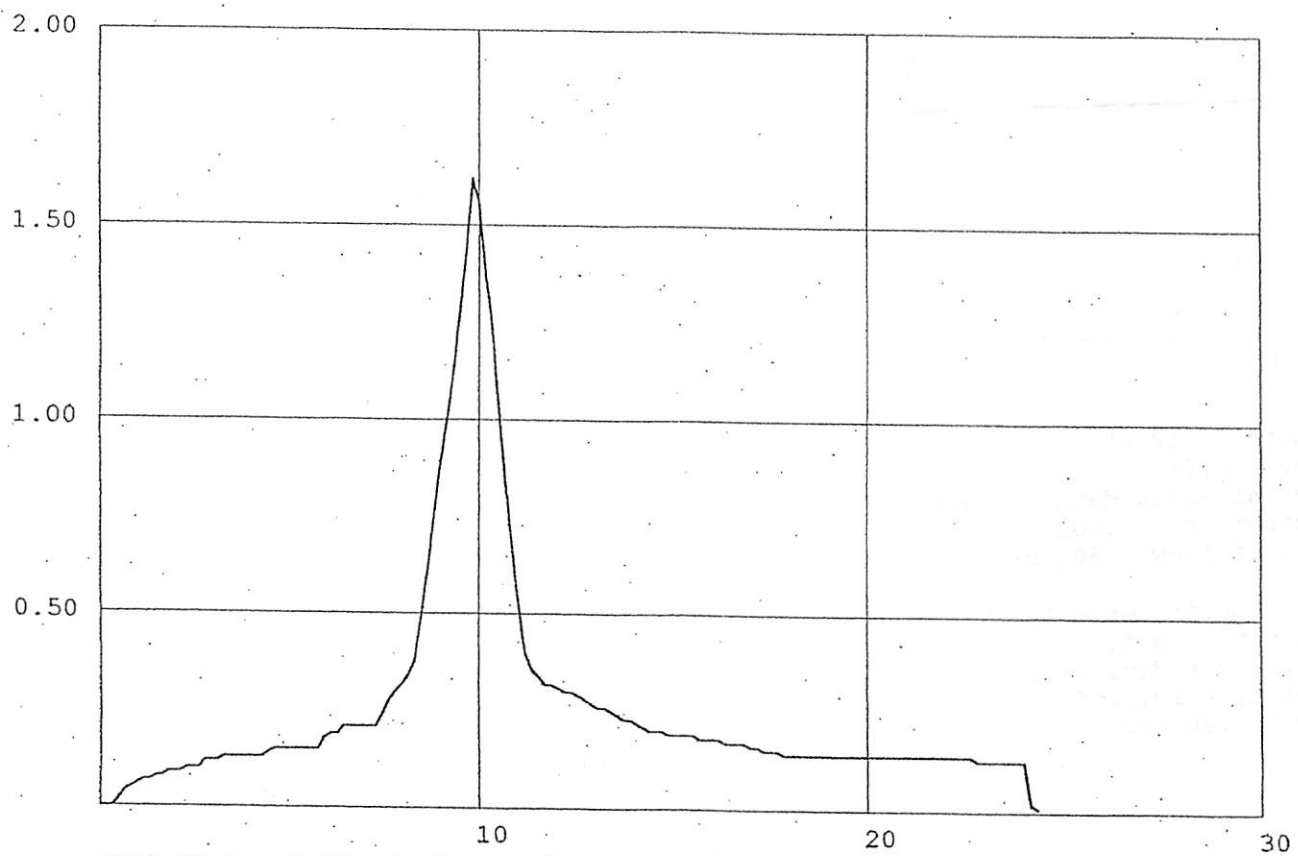
C-16

CFA Consulting Engineers

WLC 12:38 27-May-06

Project GYURKO
DRAINAGE PLAN 41-13 8BB TL2000

HYDROGRAPH
0.82 acre parcel, 25 year storm runoff
load C:\PROGRA~1\RHINO\NEWFOL~1\GYURKO.HYD



peak flow = 1.62 cfs @ 9.83 hours
volume = 22,902 cu.ft.

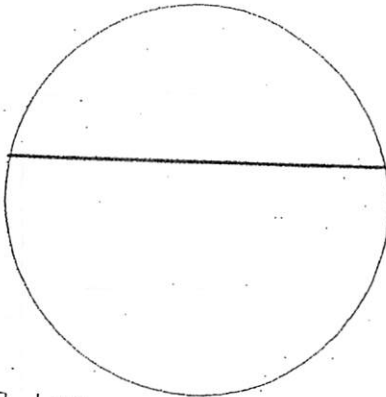
C-17

CFA Consulting Engineers

WLC 12:38 27-May-06

Project GYURKO
DRAINAGE PLAN 41-13 8BB TL2000

GRAVIY PIPE FLOW (Chezy-Manning)
CHECK CULVERT CAPACITY



2"

diameter = 12.0"
slope = 8.0%
material: high density poly
Manning's n = 0.009
depth of flow = 60.00%

wetted perimeter = 1.77'
area = 0.49 s.f.
hydraulic radius = 0.28'
velocity = 19.92 fps
flow = 9.80 cfs

ATTACHMENT D

June 25, 2006

Planning Commission
Brookings City Hall
898 Elk Drive
Brookings, Oregon 97415

Re: CUP-7-06; Applicant Zoltan Gyurko; 19 Tanbark Road; Private Drive - Otto Lane

Dear Planning Commissioners:

My husband and I own a home on 22 Seascap, southwest and directly adjacent to one of the parcels that is the subject of this conditional use permit. We are opposed to approval of this application for the following reasons:

1. If approval is granted, the applicant intends to build a two story home on one of the parcels that will be a minimum of 10 feet from my property line. There is already a two story home south of our house, and this one, if approved, would effectively block our solar access to the south and south west.
2. We do not believe that this application complies with the Comprehensive Plan, specifically the Housing and Transportation Element, in that we feel the lot size for the proposed second home is far too inadequate and we do not feel that Otter Lane is adequate to handle increased vehicular traffic, let alone vehicle parking. We are also concerned about ingress and egress by emergency vehicles. Because Otter Lane is a private driveway, the applicant parks his vehicles on the road, making it difficult at best for his neighbor on the southeast to get in and out.
3. The application does not comply with the following criteria in the Brookings Municipal Code, Chapter 17.136, Conditional Use Permits, as follows:
 - A) The sites for the proposed uses are not adequate in size and shape to accommodate said uses and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by the code, Section 17.136.050, C2, as we outlined by the above.
 - B) The sites for the proposed uses do not relate to streets adequate in width and degree of improvement to handle the quantity and kind of vehicular traffic that would be generated by the proposed use as contained in Section 17.136.050, C3, because Otter Lane is no more than a private driveway, in which the original owners granted access to two other dwellings. To add two more dwelling to this inadequate

D-2

driveway has the potential of adding at a minimum 4 more vehicles. The driveway cannot be improved to a width necessary to provide adequate ingress and egress not only to the residents but to emergency vehicles. There is no cul-de-sac or adequate turn around.

C) The proposed use of constructing a two story dwelling southwest of our property and within 10 feet of our property line does not comply because the height and bulk of the proposed residence will have an adverse impact on our potential for solar gain, is woefully inadequate for vehicle ingress/egress and internal circulation as outlined in the code, Section 17.136.050.

D) At least one of the lots for proposed development, facing south of Otter Lane, does not comply with the minimum lot area and lot width, lot coverage and yard requirements as contained in the code, Section 17.20.050 and 17.20.060.

E) Because of the small lot sizes, adequate off-street parking cannot be provided as required in the code, Section 17.20.090.

F) We believe this application does not comply with the density requirements of the code, Section 17.20.110, because while taken as a whole it may appear that they meet the requirements, the actual usable square footage is much less. We do not believe that either of the proposed building sites are within 60 feet of a public street as required in the code, Section 17.20.110. Otter Lane is a private driveway, inadequate in size and width to handle additional vehicular traffic, does not have a cul-de-sac and could provide real problems for emergency vehicles.

G) We do not feel that the addition of two dwellings is in keeping with the character of either the neighborhood or the properties adjacent to them, because of the inadequate size of the south facing lot, as outlined above, and the addition of the second dwelling southwest of me would have a tremendous impact on not only our solar gain, but privacy as well. The characteristics of the neighborhood are dwellings placed on adequately sized lots, not squeezed in without inadequate ingress/egress.

H) Because of the totally inadequate size of the south facing parcel, we do not feel that it complies with the code Chapter 17.100, Hazardous Building, in that there is not an adequate amount of land available to comply with all of the mitigation standards, not to mention vehicle parking, while still allowing the development of a single-family dwelling.

For all of the above mentioned reasons, my husband and I are opposed to approval of this application and request that the Planning Commission consider denial. My husband and I are also inviting the Planning Commission to come to our property at 22 Seascapes and stand on our deck to get a better idea of just what an impact a proposed two-story dwelling would have, not only on us, but on the neighborhood as a whole. Thank you for your consideration.

Bobbie and Frank Nagle
22 Seascapes
Brookings, Oregon

June 28, 2006

D-3

VIA E-MAIL and U.S. MAIL

Planning Commission
Brookings City Hall
898 Elk Drive
Brookings, OR 97415

Re: CUP-7-06; Applicant Zoltan Istvan Gyurko, 19 Tanhark Road, issue on Otter Terrace

Dear Commissioners:

I live in Washington, DC, and plan to move to Brookings soon. I purchased my home at 3 Otter Terrace in Brookings, and have been happily looking forward to moving there full time at the end of this year. My home at 3 Otter Terrace lies immediately next to, as well as across from the two proposed units. I am adamantly apposed to this proposed construction.

I've recently learned of Mr. Gyurko's hopes of obtaining a Conditional Use Permit for a dwelling group on a 0.82 acre parcel, or about $\frac{1}{2}$ acre lot (calculated by excluding the access road from the total acreage). So, my initial reaction was wonderful; the Gyurko family will be forced to clean up their non-functional vehicles, buses, boats, building materials, etc. The Gyurko's lack of neatness notwithstanding, Otter Terrace is a fantastic neighborhood. And, having the Gyurko's clean-up their yard would be a wonderful, and welcome improvement.

However, I later started to worry about the Gyurko's motivation for wanting a multiple dwellings permit. Since their proposed two-additional guest houses can't be rented, or otherwise conducted as a business, why would they want to build two additional homes for a total of three homes on an approximately $\frac{1}{2}$ acre lot? Why would they go to the expense of building two additional guest homes in such tight quarters having so many problems? Leaving aside for the moment, the important and many potential problems associated with adequate size, shape, access, and and water-runoff control, the future use of these guest homes is an extremely important issue.

If they really and truly are guest homes, and assuming the inadequate size, shape, access and water-runoff control problems could be properly overcome (i.e., the City would wrongly allow exceptions to the Municipal Code), then perhaps the temporary impact of dealing with the extra cars and density from occasional guests could be tolerated. But, frankly, I don't believe these two extra units are being built for the purpose of guest homes. I believe they are being built for the purpose of generating income. I believe they will be rentals; and this is not acceptable to me, nor should it be acceptable to the City of Brookings. There simply is not enough room to accommodate this type project if the two additional proposed guest houses are used as rentals. Allowing this permit would permanently and dramatically degrade the character of our neighborhood.

There is no question that permitting the construction of these two guest homes on this $\frac{1}{2}$ acre of land (0.8 acres includes the access road) violates the intention of the Municipal Code. Please deny this permit and respect the neighbors that have invested in Brookings by choosing to make it their home.

Very truly yours,

D. Neil Frank

D-4

28 June 2006

Planning Commission
Brookings City Hall
898 Elk Drive
Brookings, Oregon 97415

CM

Re: CUP-7-06; Applicant Zoltan Gyurko; 19 Tanbark Road; Private Drive - Otter Terrace

Dear Planning Commissioners:

We own a home at 24 Seascape Court, northwest and directly adjacent to one of the parcels that is the subject of this conditional use permit. We do not believe that this application complies with the Comprehensive Plan, specifically the Housing and Transportation Element, in that we feel the lot size for the proposed homes is far too inadequate and we do not feel that Otter Terrace is adequate to handle the increased vehicular traffic, vehicle parking, and provide the necessary access for emergency vehicles. We are opposed to approval of this application. The application does not comply with the following criteria in the Brookings Municipal Code, Chapter 17.136, Conditional Use Permits, as follows:

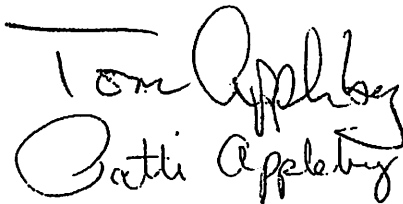
1. If approval is granted, the applicant intends to build a two story home on one of the parcels that will be a minimum of 5 feet from my neighbor's and 15 feet from our property lines. If approved, this would impact our privacy, effectively block our ocean view, and diminish our solar access to the southeast and south. (Ref: 17.136.050 D.8)
2. We are also concerned about ingress and egress by residents and emergency vehicles. Because Otter Terrace is a private driveway, the applicant parks his vehicles on the road, making it difficult at best for his neighbor on the east to get in and out of their garage. (Ref: 17.136.050 D.4., 6.)
3. A) The sites for the proposed uses are not adequate in size and shape to accommodate said uses and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by the code, Section 17.136.050, C. 2, as we describe above.
B) The sites for the proposed uses do not relate to streets adequate in width and degree of improvement to handle the quantity and kind of vehicular traffic that would be generated by the proposed use as contained in Section 17.136.050, C. 3, because Otter Terrace is no more than a private driveway, which already services five other dwellings. To add two more dwellings has the potential of adding at a minimum 4 more vehicles to this already inadequate driveway. The driveway should be required to be improved to a width necessary to provide adequate ingress and egress for the residents and for emergency vehicles, including a cul-de-sac or adequate turn around.
C) The proposed use of constructing a two story dwelling southeast of our property and within 15 feet of our property line does not comply with Section 17.136.050, C. 4, because the height and bulk of the proposed residence will have an adverse impact on our privacy, our ocean view, and solar access.

- D) At least one of the lots for proposed development, facing southeast of Otter Terrace, does not comply with the minimum lot area and lot width, lot coverage and yard requirements as contained in the code, Section 17.20.050 and 17.20.060.
- E) Despite the small lot sizes, adequate off-street parking must be provided as required in the code, Section 17.20.090.
- F) We believe this application does not comply with the density requirements of the code, Section 17.20.110, because while taken as a whole it may appear that they meet the requirements, the actual buildable square footage is much less than the required 18,000 square feet. Because of the totally inadequate size of the south facing parcel, we do not feel that it complies with the code Chapter 17.100, Hazardous Building, in that there is not an adequate amount of land available to comply with all of the mitigation standards, not to mention vehicle parking, while still allowing the development of a single-family dwelling.
- G) We do not believe that either of the proposed building sites are within 60 feet of an access roadway of at least 20 feet curb to curb in width as required in the code, Section 17.20.110. Otter Terrace is a private driveway, inadequate in size and width to handle additional vehicular traffic, does not have a cul-de-sac and could provide real problems for emergency vehicles.

We do not feel that the addition of two dwellings is in keeping with the character of either the neighborhood or the properties adjacent to them, because of the inadequate size of both lots, as outlined above, and the addition of the second dwelling southeast of us would have a tremendous impact on our privacy, ocean view, and solar gain. The characteristics of the neighborhood are dwellings placed on adequately sized lots, not dwelling groups squeezed onto inadequate lots for single family dwellings and without inadequate ingress/egress for the residents and emergency vehicles.

For all of the above mentioned reasons, we are opposed to approval of this application and request that the Planning Commission consider denial. We also invite the Planning Commission to come to our property at 24 Seascape Court to view the impact that the proposed two-story dwelling would have, not only on us, but also on the neighborhood as a whole. Thank you for your consideration.

Tom and Patti Appleby
24 Seascape Court
Brookings, Oregon 97415

Handwritten signatures of Tom and Patti Appleby in cursive script.

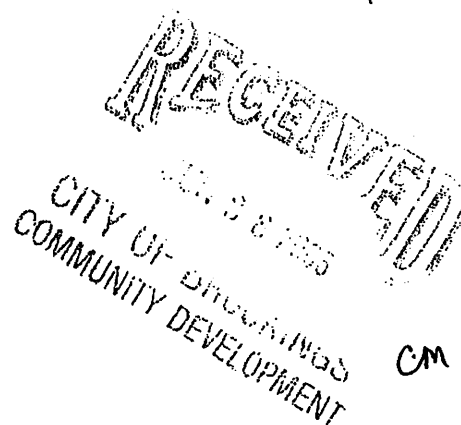
D-6

June 27, 2006

To: Planning Commission
Brookings City Hall
898 Elk Drive
Brookings, OR 97415

From: Dan Cepeda
10 Seascapes Court
Brookings, OR 97415
541-661-3215

Re: CUP-7-06; Applicant Zoltan Istvan Gyurko, 19 Tanbark Road,
Private Drive Otter Terrace



Commissioners:

My wife Rebecca and I own our home at 10 Seascapes Court, Lot 1710 of the Iowa Tract. Our home lies northwest to the parcel (lot 2000) that is the subject of this conditional use permit request. We are opposed to approval of this application for the following reasons:

1) This application does not comply with the Comprehensive Plan, specifically the housing and transportation element. The lot size for the proposed Units 1 and 2 is inadequate. Otter Terrace (a private drive) is not adequate enough to handle increased vehicular traffic and vehicle parking. In viewing this area you will see the applicant parks vehicles on the drive. Turn-around space is already tight for the occupants of the home on Lot 2001- directly southeast and adjacent. We have concerns about the ingress and egress of emergency vehicles. Really, Otter Terrace is inadequate for the increased vehicular traffic that Units 1 and 2 would create.

2) The application does not comply with the following criteria in the Brookings Municipal Code, chapter 17.136, Conditional Use Permits, as follows:

A- The site for the proposed uses (Unit 1 & Unit 2) is not adequately sized and shaped to accommodate uses for yards, spaces, walls, fences, parking, loading, landscaping, and other features required by the code Section 17.136.050, C2 (outlined above). Please note in Exhibit No. 2 of the application that Unit 2 is not drawn to scale.

B- The sites for the proposed uses do not relate to streets adequate in width and degree of improvement to handle the quantity and kind of vehicular traffic that would be generated by the proposed use as contained in Section 17.136.050, C3. Otter Terrace is a private driveway. Past owners granted access to four other dwellings. To add two more dwellings to this inadequate driveway would add 4 more vehicles at the minimum. The driveway cannot be improved to a necessary width that would provide adequate ingress & egress to residents and emergency vehicles alike. There is no adequate turn around.

C- The sites for Units 1 and 2 do not comply with the minimum lot area and lot width, lot coverage and yard requirements as contained in the code, Section 17.20.050 and 17.20.060.

D- Because of the small lot sizes adequate off-street parking cannot be provided as required in the code, Section 17.20.090.

E- This application does not comply with the density requirements of the code, Section 17.20.110. On the whole Lot 2000 may appear to meet requirements but actual usable square footage is much less. (Please note the length of Otter Terrace extending from Tanbark to Lot 2100.) Proposed Unit 1 and Unit 2 are not within 60 feet of an access roadway having a curb-to-curb section of at least 20 feet in width providing vehicular access from a public street as required in the code, Section 17.20.110. Otter Terrace is a private driveway of inadequate size and width to accommodate additional vehicular traffic. It does not have a cul-de-sac and could provide problems for emergency vehicles.

F- The addition of two dwellings is not in keeping with the character of the neighborhood and properties adjacent to Lot 2000 because of the inadequate size of the lots that the dwellings would sit on. Unit 1 would generate loss of privacy and ocean view to Lots 2101 and 2001. Unit 2 would generate loss of privacy, solar access, and ocean view to Lots 1800, 1710, 1700, and 2200. (See Exhibit No. 2 in the CUP application.)

G- This does not comply with the code, Chapter 17.100, Hazardous Building. There is not an adequate amount of land available to comply with all the mitigation standards, and vehicle parking while still allowing the development of a single-family dwelling.

In conclusion, Rebecca and I are opposed to the approval of this application and request that the Planning Commission consider denial. We invite the Commission to view Lot 2000 from our upper and lower decks. This will allow a visual of just how small the Unit 2 area is. Additionally, you will see just how much of an impact it will have on our neighborhood character in privacy, solar access, and view. The neighbors of Seascape Court have the unique privilege of substantial ocean view whether their homes stand on ocean front lots or not. It constitutes a neighborhood character that exists in very few neighborhoods in Brookings.

Thank you for your consideration.

Kindest regards,



Dan.

D-8

3

June 28,2006

cm

Planning Commission
Brookings City Hall
898 Elk Drive
Brookings, Oregon 97415

Re: Cup-7-06; Applicant Zolton Gyurke;19 Tanbark Road; Private Drive-
Otter Terrace,

Dear Planning Commissioners:

I own a home on Seascap Court,Lot 2101,in the Iowa Tract, which is directly adjacent to the property that is being considered for conditional use permit.. I am opposed to the approval of the application. A two story home would be to close to my home,and would have a negitive impact on my view,sun,and light. The second proposed building would be two story also and spoil the view. The lots in question are not very large and the there would be a lot of building crowed in small areas. Many of us purchased homes or lots in this area because of the zoning.

Also I object because Otter Terrace,is inadequate access for additional vehicular traffic,parking and ingress/egress by emergency vehicles,as the size of the lots being proposed for dwelling as evidenced by the attached pictures, attached as Exhibit A.

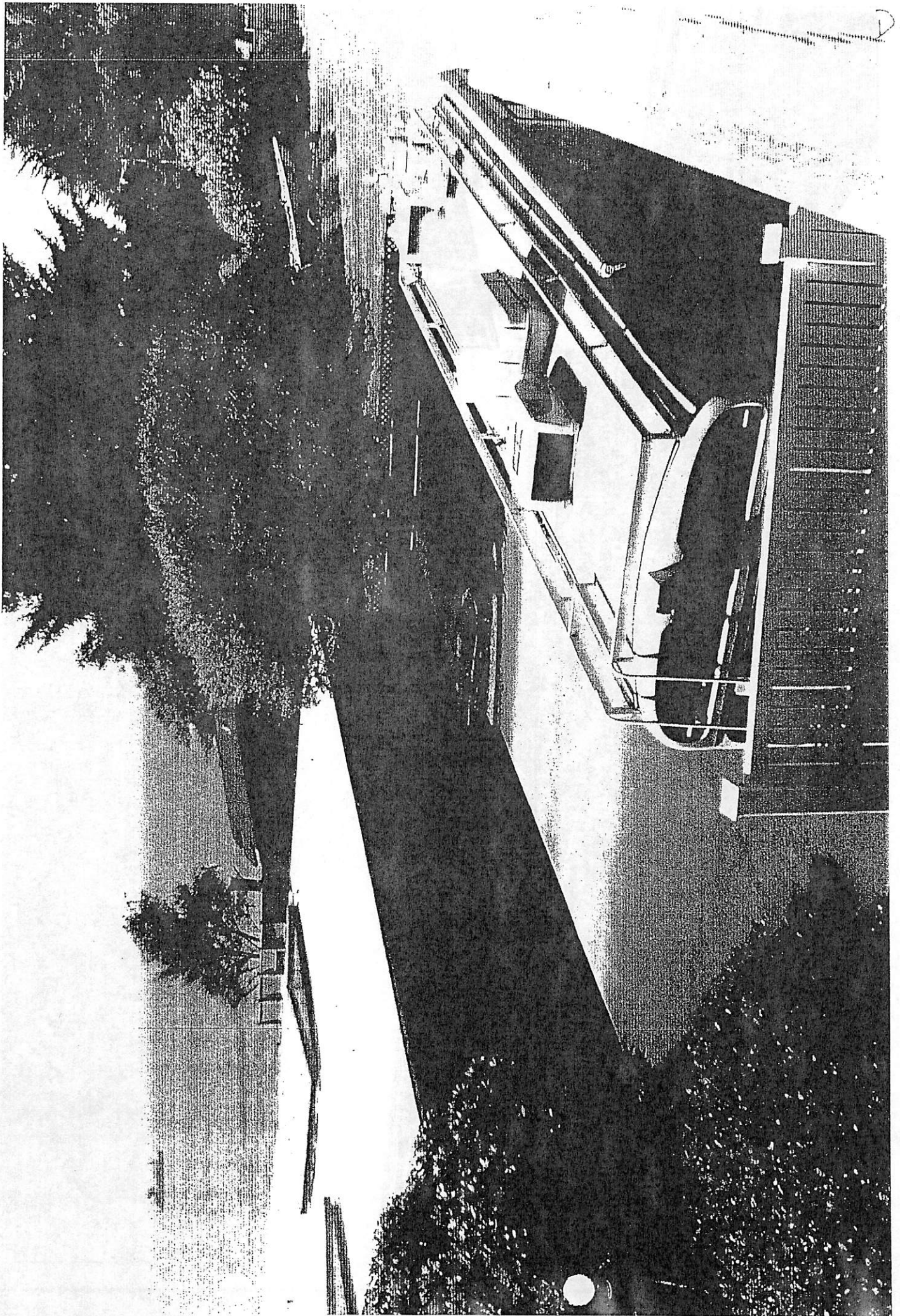
Thank you for your consideration.

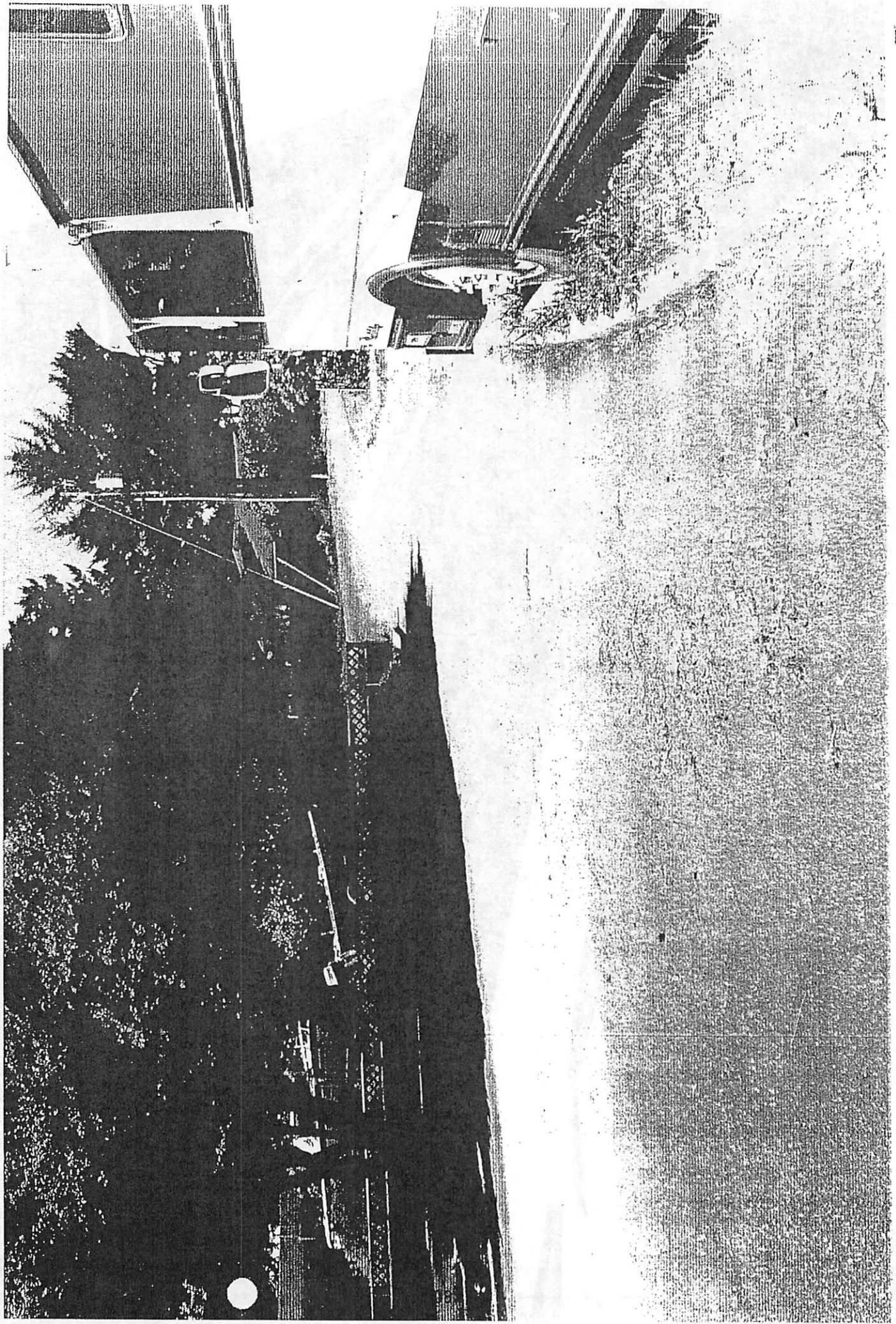
Laraine M. Sigurdson
20 Seascap Ct.
Brookings, OR 97415

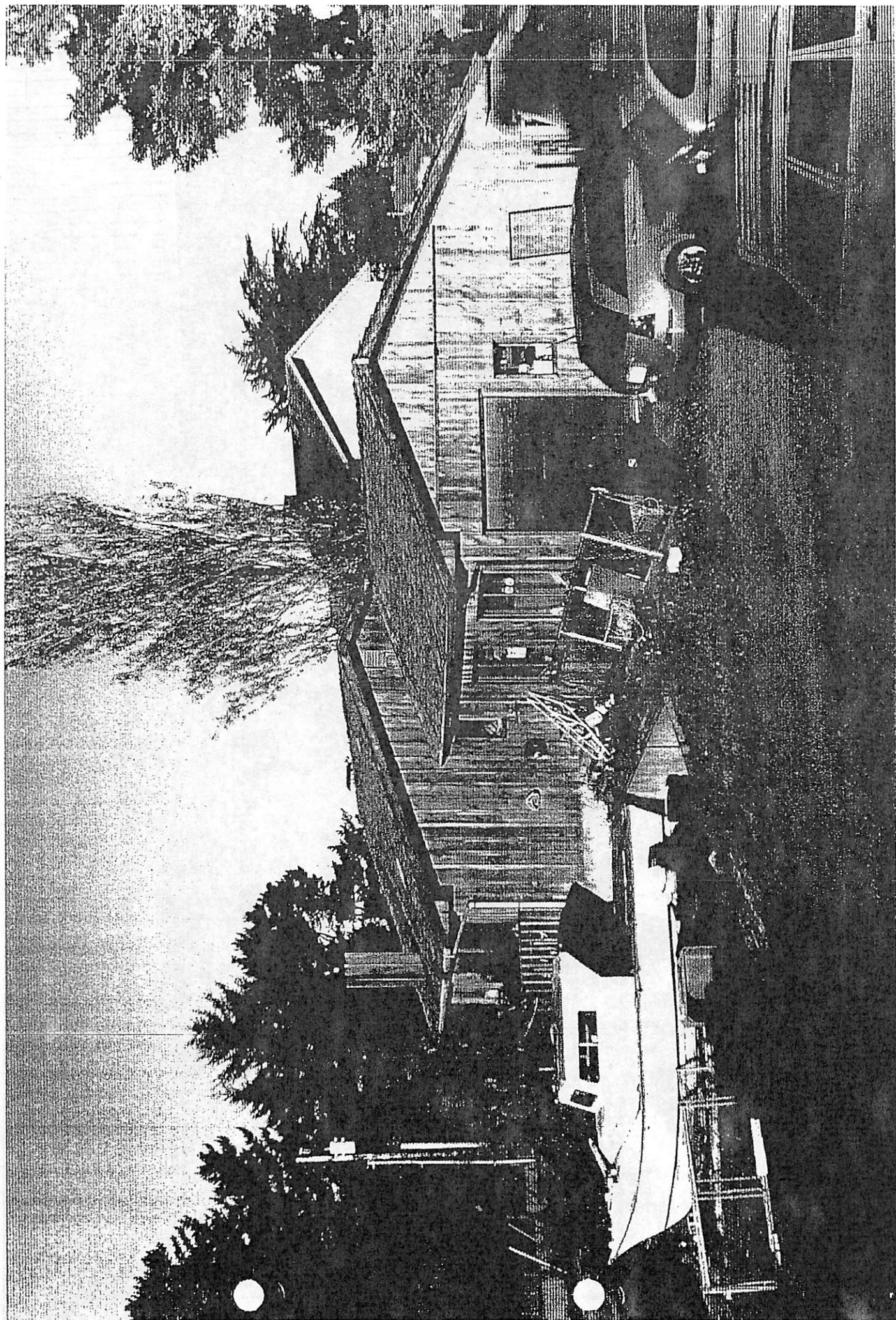
View From Tan Back -

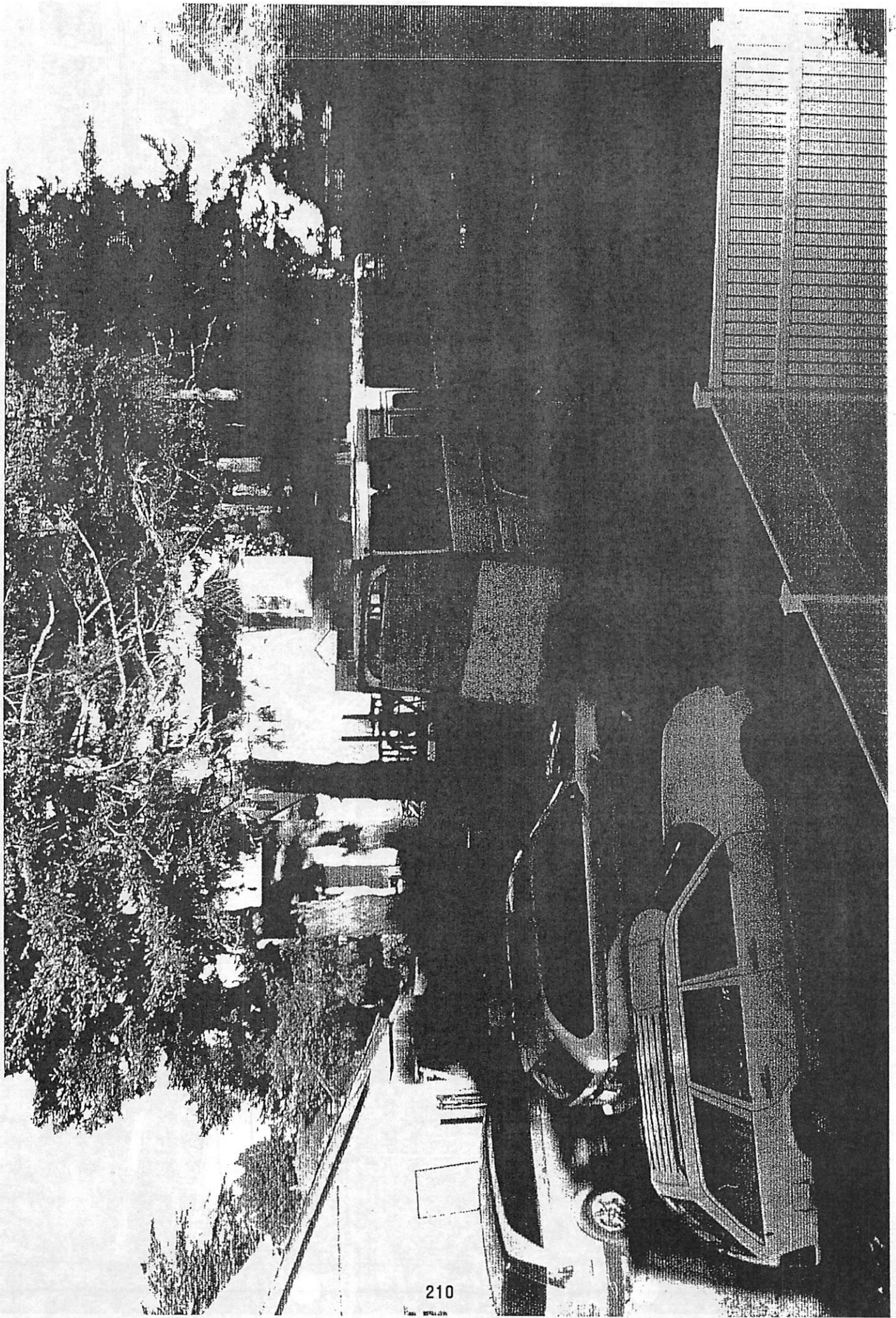


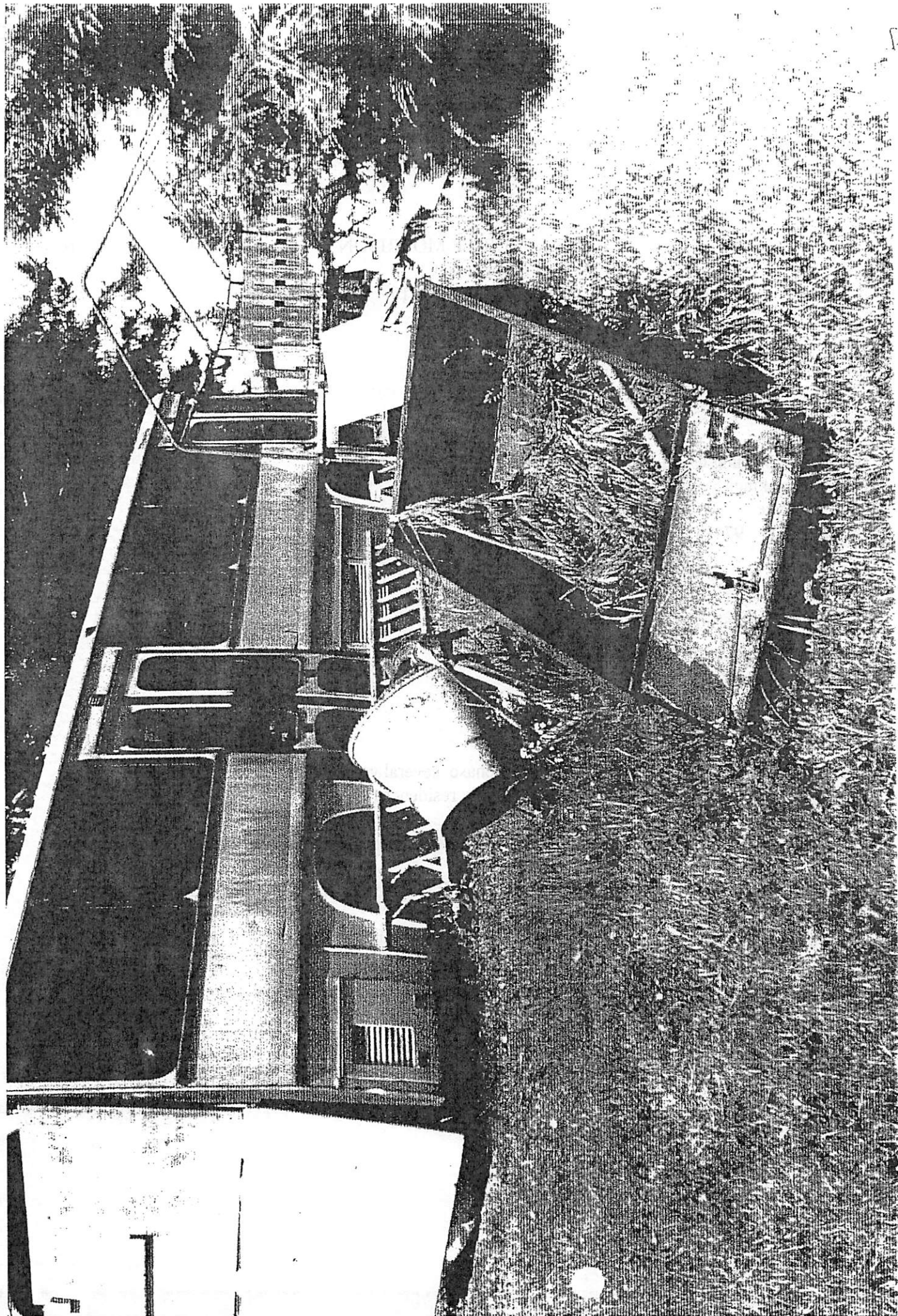
D-10











D-15

JAMES & MURIEL MORRISON
17 Seascape Ct.
Brookings, Or. 97415

CM

June 29, 2006

Brookings Planning Commission
City of Brookings
898 Elk Drive
Brookings, Or. 97415

Attn: Dianne Snow, Deputy City Planner

Re: File No. CUP-7-06
Applicant Zoltan Gyurko
19 Tanbark Rd; Private Dr.-Otto Lane

Dear Planning Commissioners:

We own a home at 17 Seascape Ct. and on purchase several years ago understood that the zoning for this area was R-1 being for single family residences only.


We are not in favor of converting to R-3 multiple use by our nearby neighbors.

We will greatly appreciate your refusing to allow multiple units on Mr. Gyurko's property.

The streets in this area are very inadequate for emergency vehicles.

Thank you for your consideration.

Sincerely,



Jim and Muriel Morrison

ATTACHMENT E

Zoltan Istvan Gyurko
19 Tanbark Rd.
Brookings, OR 97415
(541) 661-1070
zoltanistvan@zoltanistvan.com

City of Brookings
Planning Department
898 Elk Drive
Brookings, OR 97415

RE: STATEMENT OF FINDINGS for Conditional Use Permit application for Group Dwellings

June 6, 2006

Dear City of Brookings:

Below is my Statement of Findings for my application for a Conditional Use Permit for Group Dwellings on the property: 19 Tanbark Rd. The large .082 lot with one existing home will easily support 2 more single family residences that will enhance the neighborhood by bringing new homeowners with new homes.

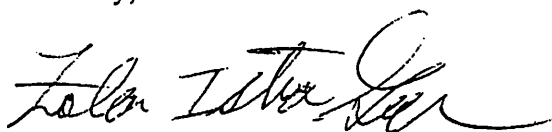
- A) By building two additional single family residences on the property, my proposal will be in full compliance with the comprehensive plan of the neighborhood, which is residential. Two new homes in the area will compliment the neighborhood by adding new homeowners with newly built single family homes.
- B) The .082 acre site for the proposed use is adequate in size and shape to accomdate two additional 2-story 2500 square foot structures, their yards, spaces, walls, fences, parking, loading, landscaping, utilities, and other features required by code. There is ample and logical settings for each of the residences, while fully complying with the city code of buildings being clustered on large lots. All setbacks of the proposed buildings, as shown in my proposed plan illustration, are fully in compliance with city code.
- C) The site for the proposed use relates to streets and highways adequate in width and degree of improvement to handle the quantity of and kind of vehicular traffic that would be generated by the proposed use. The main paved easement leading into the site off of Tanbark Road will be increased to a paved 20 foot width, as required by city code.

E-2

- D) The proposed use will have minimal adverse impact upon adjoining properties and the improvements thereon. In fact, considering the current state of the 19 Tanbark site and its blight, the proposed changes to the site will greatly improve the neighborhood.
- E) The two new single family residences will be built and finished tastefully and will compliment the neighborhood of well kept homes.

Thank you for considering my application. If you have any questions regarding my proposal, please don't hesitate to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Zoltan Istvan Gyurko".

Zoltan Istvan Gyurko

July 11, 2006
Public Hearing
Planning Commission
Addendum

Exhibit	Submittal:	Documentation From:	Address:	Pro or Object:
B	2 page letter	Neil Frank, property owner of 3 Otter Terrace	200 Healy Hall 37 th & O Street NW Washington, D.C. 20057-1241	Object

Direct Dial: 202. 687.9457
Nf26@georgetown.edu

July 4, 2006

VIA E-MAIL and U.S. MAIL

Planning Commission
Brookings City Hall
898 Elk Drive
Brookings, OR 97415



Re: *Addendum to CUP-7-06 Input; Applicant Zoltan Istuan Gyurko, 19 Tanbark Road, issue on Otter Terrace*

Dear Commissioners:

This is an addendum to my previous letter. I have read a response from the applicant Zoltan Gyurko, and he has clarified some of the confusion that I had regarding their motivation for doing this development. I now understand that this project is a housing development strictly for the purpose of making a profit. Moreover, I remain adamantly opposed to this proposed development.

Please let me explain. I do not share opposition to this project for many of the reasons as do some of my neighbors. I don't care about this project's blocking of ocean front views. If my neighbors want ocean front views, they should buy ocean front property. However, I do oppose this project for the same reasons that the city of Brookings should oppose it: this project is simply not appropriate. It's not in the best interest of the neighborhood, nor is it in the best interests of the city of Brookings. My only interest is that the neighborhood be preserved or improved. This project does neither.

While the address for the permit is being listed as 19 Tanbark Road, the project is actually juxtaposed, and across from 3 Otter Terrace. Now, lower Otter Terrace is a wonderful neighborhood. And, it is a very tiny neighborhood. On the section of the street where the action will be, it is the Gyurko's, and it's me. That's it. So, what's being proposed is to double the number of homes in that area. I ask the commissioners to drive down and view it for themselves so they'll understand. The character of the neighborhood will be dramatically and very negatively affected.

Ok, so that judgment is subjective, I understand that. Still, it is not subjective to realize that this project is doubling the number of homes in that section of the street. Nor is it subjective to realize that the motivation for this project isn't for the purpose of building guest housing that will be used by the Gyurko's. Rather, it's for the purpose of creating a business and making a profit. I'm certainly not against that, but creating a new business and making a profit must be done properly. It should not be at the expense of the city, nor should it be at the expense of the neighborhood.

So how do the Gyurko's plan on making a profit? They plan to do this by selling the units. Or actually, it would be more accurate to say they will use some mechanism such as selling shares in a corporation since they can't actually sell the units. If someone buys sufficient number of shares, they get to live in one of the houses. Ok, so why would the Gyurko's do this, rather than just sell the homes? Well, because the land can't be legally subdivided. So, this is a way to subvert the essence of the municipal code; the Gyurko's might create a business corporation, and sell shares in it. Furthermore, leaving aside for the moment issues such as likely future litigation against the city for approving this loser project, or issues of title insurance on the new shared units, or the obvious numerous violations of the municipal code, this project likely doesn't even make much sense to the Gyurko's from a financial point-of-view. So this project is a dog from nearly every perspective.

With this dwelling group permit, the Gyurko's will be subdividing the un-subdividable. That is an incredibly obvious subversion of the code. And, if these units actually get built, the city will likely be forced to later subdivide the land just to clean up the mess. The city should decide now if it wants to allow the Gyurko's to subdivide their property. If so, then grant the Gyurko's a code exception and let them subdivide and let them properly proceed with the project. However, if the city approves this project in any form, and allows it to go forward, there will obviously be lots of fallout. With so many people being negatively and substantially affected by this project, I'd think the city would want to be on very firm ground with a go-ahead decision. It definitely is not.

Very truly yours,

D. Neil Frank
200 Healy Hall
37th & O Street NW
Washington, D.C. 20057-1241

BEFORE THE PLANNING COMMISSION
CITY OF BROOKINGS, COUNTY OF CURRY
STATE OF OREGON

In the matter of Planning Commission File No.
CUP-7-06; a request for a conditional use
permit to site a Dwelling Group; Zoltan Istuan
Gyurko, Applicant.

) Final ORDER
) and Findings of
) Fact
)
)

As amended by the Planning Commission

ORDER APPROVING an application for a Conditional Use Permit to site a Dwelling Group; Assessor's Map 41-13-08BB, Tax Lot 2000; zoned R-1-6.

WHEREAS:

1. The Planning Commission duly accepted the application filed in accordance with the Brookings Land Development Code pursuant to Section 140 Conditional Use Permits; Section 20.110 Dwelling Group; Section 100 Hazardous Building Site Protection; and
2. Such application is required to show evidence that all of the following criteria have been met:
 - A. The proposal is in compliance with the Comprehensive Plan.
 - B. The site for the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by this code.
 - C. The site for the proposed use relates to streets and highways adequate in width and degree of improvement to handle the quantity and kind of vehicular traffic that would be generated by the proposed use.
 - D. The proposed use will have minimal adverse impact upon adjoining properties and the improvements thereon. In making this determination, the commission shall consider, but not be limited to, the proposed location of the improvements on the site, vehicular egress/ingress and internal circulation, pedestrian access, setbacks, height and bulk of buildings, walls and fences, landscaping, screening, exterior lighting and signing.
 - E. In areas designated as requiring preservation of historic, scenic or cultural attributes, proposed structures will be of a design complimentary to the surrounding area.
3. The Brookings Planning Commission duly set this matter upon the agenda of a public meeting and considered the above described application with the public hearing a matter of record of the Planning Commission meeting of July 11, 2006; and
4. At the public meeting on said conditional use permit application, evidence and testimony was presented by the applicant and recommendations were received from and presented by the Planning Director in the form of a Staff Agenda Report, dated and oral presentation of same; and
5. At the conclusion of the presentation of the applicant, Planning Director, and the public, and after consideration and discussion the Brookings Planning Commission, upon a motion duly seconded, approving the request for the subject

conditional use permit and directed staff to prepare a Final ORDER with the findings set forth therein for the approval of said application.

THEREFORE, LET IT BE HEREBY ORDERED that the application of the conditional use permit on the subject parcel is APPROVED. This approval is supported by the following findings and conclusions:

FINDINGS

1. The applicant is requesting a conditional use permit to establish a dwelling group on the subject property, zoned R-1-6, by siting two additional single family dwellings on a 35,719 sq. ft. parcel. Due to frontage limitations, this parcel can not be divided. The parcel does have more than five times the 6,000 sq. ft. per dwelling required by the R-1-6 zone, therefore a dwelling group can be accommodated. As proposed, setbacks, driveway and parking requirements are adequate. Water and sewer service is available to the subject property. Materials addressing Section 100, Hazardous Building Sites and Hillside Standards, have been submitted. Applicant must construct proposed dwellings in compliance with recommendations in the geologic hazard report and engineered plans.

Written concerns have been submitted by adjacent property owners. The concerns relate to lot size, access, density, privacy, guest houses, solar access, creation of substandard lots, and parking. Most of these have been considered in the applicant's findings and previously in this staff report and found to meet the required standards. The following is further analysis of the concerns:

- a. The proposed access way is not a street. It is a driveway serving the subject property, with easements allowing access to three adjacent parcels. Dwelling group standards requires a 20 ft. paved access which accommodates two 10 ft. wide travel lanes. Concerns have been stated about parking on this driveway. A recommended condition of approval will be signage stating "No parking allowed on driveway". Another recommended condition of approval requires the applicant to maintain the paved access way.
- b. Some concerns about privacy were raised, although the applicant is not requesting a deviation from normal required setbacks. The Planning Commission may want to consider requiring a fence or landscaping as a condition of approval.
- c. The proposal is not for guest houses. The proposal is for two single family dwellings. Due to road frontage limitations this parcel can not be partitioned and therefore no new parcels are being created.
- d. The issue of solar access is not one of the criteria for approving a structure in the City.

Considering the above and proposed conditions of approval Criterion 2 is met.

2. The subject property is accessed via Tanbark Rd. a two-lane paved travel surface within a 51 ft. right-of-way. Street improvements in the area adjacent to the access easement for this parcel will be required. An existing shared access will be used to access the dwellings on the parcel. The applicant has discussed a paved turn-around area with the City Fire Chief. The approved area is adjacent to the northerly boundary at the end of the driveway. With the requirement that the easement frontage be improved and the 20 foot wide driveway and turn-around area by paved, criterion 3 is met.
3. The subject property is within an area zoned for residential use. As the proposed use is residential and would authorize no more density than the zone allows, the proposed dwellings are similar in size to others in the vicinity, and no deviation to height or setbacks are being requested, the use appears to be appropriate for the neighborhood. The existing dwelling currently uses the driveway easement that would also serve the two proposed dwellings. No new access point will be created. Criterion 4 is met.
4. There are no historic, scenic or cultural attributes on the subject property or the surrounding area. Criterion 5 is met.

The proposed use meets the requirements of the criteria addressed above and a residential use is in keeping with the Comprehensive Plan Designation for the property. Criterion 1 is met.

The applicant's findings are included as Attachment A.

CONDITIONS OF APPROVAL

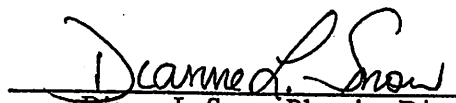
1. Approval of this Conditional Use Permit will expire one year from date of approval unless the project comes under substantial construction and continues under construction. The Planning Commission may extend the permit for an additional one-year period at the request of the applicant.
2. The dwelling group siting standards, as stated in the R-1-6 Zone, Section 20.110, must be met.
3. The existing access must serve as access for the proposed dwelling group. The access must be paved *with a full overlay of asphalt, done after construction of the two proposed dwellings*, to a width of at least 20 ft. and provide for the approved turn-around area *located at the terminus of the access way and contained entirely on the subject property. No parking signs must be erected in the turn-around area adjacent to the proposed dwelling. The first 200 feet of the access way from it's intersection with Tanbark Dr. must be located adjacent to the southerly property line.* Signs must be erected stating "No parking allowed on driveway". The applicant must maintain this access driveway.
4. The 25 feet of frontage adjacent to Tanbark Rd. must be improved. *Appropriate traffic control devices must be located at the intersection of the access way and Tanbark Dr.* The applicant must coordinate with City Public Works Department concerning this matter.
5. *The proposed dwellings may be no more than 23 feet in height.*
6. The geologic hazard report and engineered grading, erosion control, and storm water drainage plans addressing Section 100 standards must be approved by the City prior to any site preparation for the proposed construction. Recommendations as stated in the reports and approved by the City must be implemented.
7. Rear Lot Development setback standards (minimum 10 ft. from all property lines) must be used when siting structures on the subject property.
8. Prior to any construction or grading on the site, the contractor will place, in a location visible from an existing public street, a sign containing the name of the contractor and a telephone number where the contractor can be reached.

LET IT FURTHER BE OF RECORD that the Planning Commission APPROVED the requested Conditional Use Permit.

Dated this 11TH day of July, 2006


Bruce Nishioka, Chairperson

ATTEST:


Dianne L. Snow, Planning Director

CITY OF BROOKINGS
COMMON COUNCIL MEETING MINUTES
City Hall Council Chambers
898 Elk Drive, Brookings, OR 97415
Monday, August 14, 2006, 7:00 p.m.

I. Call to Order

Mayor Pat Sherman called the meeting to order at 7:00 p.m.

II. Pledge of Allegiance

Led by audience member

III. Roll Call

Council Present: Mayor Pat Sherman, Council President Larry Anderson, Councilors Jan Willms and Craig Mickelson; a quorum present.

Council Absent: Councilor Dave Gordon, Ex Officio Ashley Gemmell

Staff Present:

City Manager, Dale Shaddox,
City Attorney, John Trew,
Public Works Director, Don Wilcox
Planning Director, Dianne Snow
Public Works Foreman, Bob Schaefer
Administrative Assistant, Joyce Heffington

Media Present: Curry Coastal Pilot Reporter, Valliant Corley

Other:

Approximately 10 other citizens

IV. Ceremonies/Appointments/Announcements

A. Announcements

1. *Yard of the Month* – Sheldon and Gro Lent, 520 Redwood Avenue
2. *Most Improved Property* – Chuck and Stephanie Boren, 331 Railroad Street
3. *Commercial Property* – Pancho's Restaurant, 1136 Chetco Avenue

Mayor Sherman announced that Elmer Hitchcock, who served as Mayor from January 1979 to December, 1980, passed away over the weekend. She also asked Don Wilcox, Public Works Director, to speak to the issue of the street lights along Chetco Avenue.

Wilcox explained that the street lights do not meet Oregon Department of Transportation (ODOT) coding requirements and the irregular placement of a few lights along the Chetco Bridge were due to alignment issues with lines for the force main for the sanitary sewer system. He advised that all problems were anticipated to be resolved in 6 to 10 weeks with the possibility of some additional cost to the City.

Dale Shaddox, City Manager, commented that the non-compliance issues were between ODOT and their suppliers and he anticipated no additional costs to the City.

Mayor Sherman then announced the recipients of the Yard, Most Improved Property, and Commercial Properties of the Month.

V. Scheduled Public Appearance

A. ODOT presentation on the Constitution Way Traffic Congestion Mitigation Study

Thomas Guevara, Project Leader, Region 3 Planning, ODOT, presented information regarding short, mid and long-term solutions resulting from the Constitution Way Traffic Congestion Mitigation Study.

Public Comments:

Don Nuss, 650 Mardon Court, advised of a possible solution that may have been missed by ODOT.

Yvonne Maitland, 15676 Oceanview Drive, asked what assumptions were being used to calculate the growth rate.

Thomas Guevara explained the criteria used.

VI. Oral Requests and Communications from the Audience

A. Committee and Liaison reports

1. Council Liaisons

Councilor Mickelson attended a Planning Commission meeting.

Mayor Sherman attended meetings of Curry County, Work Force Housing, BHEF and the Azalea Park Foundation. She also shared information from the annual Oregon Mayor's Association Conference she attended.

Councilor Anderson attended three City related meetings.

Councilor Willms attended an Azalea Park Foundation meeting and announced the installation of three new benches which are "for sale."

B. Public Comments

DonNuss, 650 Mardon Court, addressed the Council with follow up to the guest tax issues he addressed at the last meeting, requesting the Council take action to cancel the current contract and open up the subject to public debate.

Dale Shaddox advised that this topic would be on the schedule for a work/study session in January of 2007.

VII. Regular Agenda

A. Discussion and possible action on staff report/proposal by League of Women Voters to provide water conservation education programs for the City of Brookings.

Mayor Sherman announced that the League of Women Voters requested a postponement of their proposal until September or October.

B. Discussion and possible action on proposal to sponsor the Watercolor Society of Oregon with an allocation of \$50.00 from the general fund for this purpose.

Mayor Sherman recommended that the Council support this proposal citing that the Art community has stepped forward to support the town in their own way and asked for a motion for a \$50.00 sponsorship.

Councilor Anderson moved, a second followed and the Council voted unanimously to approve a \$50.00 sponsorship for the Watercolor Society of Oregon.

C. Purchase recommendation for Brush Cutter

Don Wilcox presented a staff report recommending the purchase of a 2004 model brush cutter due to the retirement of the current poorly performing brush cutter used for roadside maintenance.

Councilor Willms moved, a second followed and the Council voted unanimously to authorize the City Manager to negotiate and enter into a purchase contract with Western Equipment for a not to exceed amount of \$57,000 for a 2004 John Deer Model 6420 Brush Cutter.

D. Construction Contract Award of 5th Street Public Improvements Project.

Don Wilcox presented a staff report reviewing bids and recommending the award of a construction contract for 5th Street Public Improvements with Hanson Concrete.

Councilor Willms moved, a second followed, and Council voted unanimously to authorize the City Manager to negotiate and enter into a Construction Contract with Hanson Concrete LLC for a not-to-exceed amount of \$49,570 for Public Improvements on 5th Street.

VIII. Consent Calendar

A. Approval of Council Meeting Minutes

1. Meeting of July 24, 2006

B. Acceptance of Planning Commission Minutes

1. Meeting of July 11, 2006

C. Approval of vouchers for month of July, 2006 (\$1,056,807.85)

Councilor Mickelson moved, a second followed and the Council voted unanimously to approve the Consent Calendar as published.

IX. Remarks from Mayor and Councilors

A. Council

Councilor Anderson requested a report from the City Manager regarding the changes and potential additional costs to the City in relation to the street light issues.

Dale Shaddox stated his position that the City would not spend any additional funds to correct a problem that is ODOT's responsibility to resolve and advised he would provide a memo to that effect.

Councilor Willms complemented the new landscaping work done by the Mayor in front of the police department and by professionals in front of City Hall. Councilor Willms also announced she will be running for Council again.

Councilor Mickelson requested that staff address, to conclusion, the 2 strips of land at issue on Tanbark Circle. Discussion ensued and a site review will be scheduled in conjunction with Parks and Recreation.

B. Mayor

Mayor Sherman announced that she had filed to run again for Mayor.

X. Adjournment

Councilor Willms moved, and the Council voted unanimously by voice vote to adjourn at 8:20 p.m.

Respectfully submitted:

Pat Sherman
Mayor

ATTEST by City Recorder this ____ day of _____, 2006.

Paul Hughes
Administrative Services Director/City Recorder

CITY OF BROOKINGS
Urban Renewal Agency Meeting Minutes
City Hall Council Chambers
898 Elk Drive, Brookings, OR 97415
Monday, August 14, 2006

I. Call to Order - Chair Sherman called the meeting to order at 8:20 p.m.

II. Roll Call

Agency members present: Chair Pat Sherman, Directors Jan Willms, Larry Anderson, and Craig Mickelson; a quorum present

Agency members absent: Director Dave Gordon

Staff Present: City Manager, Dale Shaddox; Administrative Assistant, Joyce Heffington

Media: Valliant Corley, Curry Coastal Pilot

Others: Approximately 2 other citizens

III. Approval of minutes for meeting of: June 26, 2006

Director Mickelson moved, and the Agency voted unanimously by voice vote to approve the minutes of June 26, 2006.

IV. Regular Agenda

A. Discussion and possible funding approval on Facade Improvement Program application by Yvonne Moirano for the Gallery Restaurants located at 515 Chetco Avenue.

Pete Chasar, Chair of the Urban Renewal Advisory Committee, brought forward a recommendation from the Committee that Yvonne Moirano's application for \$2757.00 in matching grant funds be approved.

Director Mickelson moved, a second followed, and the Council unanimously voted to approve the application by Yvonne Moirano for \$2757.00 in matching grant funds.

B. Discussion and possible funding approval on Facade Improvement Program application submitted by Coos-Curry Electric Cooperative for property located at 805 and 815 Railroad Street.

Peter Chasar brought forward a recommendation from the Committee that the application for \$5645.00 in matching grant funds be approved.

Director Anderson moved, a second followed, and the Council unanimously voted to approve the application for matching funds submitted by Coos-Curry Electric and authorize the City Manager to sign the funding agreement and disburse funds in accordance with the approved program guidelines.

V. Adjournment

Director Willms moved, and the Agency unanimously voted by voice vote to adjourn at 8:40 p.m.

Respectfully submitted:

Pat Sherman
Chair

ATTEST by City Recorder this _____ day of _____, 2006.

Paul Hughes
Administrative Services Director/City Recorder



COUNCIL AGENDA REPORT

To: Brookings Urban Renewal Agency Board of Directors (Mtg. of 8/28/06)

From: Urban Renewal Advisory Committee (URAC)

Date: August 18, 2006

Re: Façade Improvement Program Application – Azalea Lanes

Subject: Azalea Lanes Application for Matching Grant Funds under the Urban Renewal Agency Façade Improvement Program


Recommendation: The Urban Renewal Advisory Committee is expected to recommend approval of the application, and therefore the recommendation to the Urban Renewal Agency Board of Directors is to:

“Approve the Application for Matching Funds Submitted by Azalea Lanes and Authorize the City Manager to Sign the Funding Agreement and Disburse Funds In Accordance with the Approved Program Guidelines, in the amount of \$_____.”

Background /Discussion: This application was submitted under the recently approved and funded program. By the date of this evening’s meeting the URAC is expected to have conducted a special meeting to review the attached application and recommend approval for funding. A summary report providing the project details and exact funding recommendation is anticipated to be distributed and as a supplemental agenda packet on or before Friday, August 25. Attached is the form of application submitted.

Financial Impact(s): Urban Renewal Agency funds were included in the adopted budget in the total amount of \$140,000 for Fiscal Year 2006/07. The exact amount of Agency funds to be appropriated for this recommended project will be reported at the meeting this evening because the URAC meeting is anticipated to be held after the preparation of tonight’s agenda.

City Manager Review and Approval for placement on Council Agenda:


Dale Shaddox, City Manager

CITY OF BROOKINGS

Urban Renewal Agency

FACADE IMPROVEMENT PROGRAM



APPLICATION

1. Applicant Information:

Name: Azalea Lanes - Gary and Karen Kerr

Address: 410 Oak Street PO Box 999

Phone: Work- 469-4244 Home- 469-3335 Cell- 661-1824
661-1825

Legal Form: Sole Proprietorship ☐ Partnership ☐ Corporation ☒

Profit ☒ Non-Profit ☐

SSN: _____ Tax ID No: 93-1134350

2. Building / Business to be Rehabilitated:

Name: Azalea Lanes

Address: 410 Oak Street

Tax Map & Lot Number : Map #41-13-05CB Tax lot 10400 + 10401
(R14436, R14499, + P27651)

3. Owner of Property (If other than applicant):

Name: _____

Street: _____

City: _____ State: _____ ZIP: _____

4. Brief Description of Exterior Facade Improvements:

See attached sheet with summary.

All pictures and bids attached.

Brookings Urban Renewal Agency – Facade Improvement Application

5. Estimated Total Cost of Facade Improvements: 42,322.03

6. In addition to proposed improvements, is there other work proposed?

Yes: ☒ No: ☐

Estimated Total of Other Work: \$ 8,000 Landscaping

Total Estimated Cost of All Work: \$ 51,322.03

7. Source of Matching Funds: Business creditline.

8. The Brookings Urban Renewal Agency will review the proposed Facade Improvements Proposal and advise the applicant of any recommended changes. Some proposed improvements may not be funded by the agency.

Certification By Applicant

The applicant certifies that all information provided in this application is true and complete to the best of the applicant's knowledge and belief. If the applicant is not the owner of the property to be rehabilitated, or if the applicant is an organization rather than an individual, the applicant certifies that he/she has the authority to sign and enter into the agreement to perform the work proposed in this proposal. Evidence of this authority must be attached.

[Signature]
Applicant Signature

8-15-06
Date

[Signature]
Property Owner Signature

8-15-06
Date

Return application with any required attachments to:

City of Brookings
Urban Renewal Agency
898 Elk Drive
Brookings, OR 97415